

**A G E N D A**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**Legacy Hall**  
**4301 New Town Avenue, Williamsburg, VA 23188**  
**August 4, 2021**  
**6:00 PM**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. REPORTS OF THE COMMISSION**

**E. CONSENT AGENDA**

1. Minutes of the July 7, 2021 Regular Meeting
2. June 24, 2021 Meeting Minutes

**F. PUBLIC HEARINGS**

1. SUP-21-0013. 2631 Lake Powell Road Tourist Home
2. SUP-21-0015. Crosswalk Community Church Daycare and School
3. Z-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)

**G. PLANNING COMMISSION CONSIDERATIONS**

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - August 2021

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the July 7, 2021 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes of the July 7, 2021 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/15/2021 - 2:00 PM
Planning Commission	Holt, Paul	Approved	7/15/2021 - 2:00 PM
Publication Management	Daniel, Martha	Approved	7/15/2021 - 2:10 PM
Planning Commission	Holt, Paul	Approved	7/15/2021 - 2:11 PM

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**July 7, 2021**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at 6 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Rich Krapf  
Tim O'Connor  
Frank Polster  
Barbara Null  
Rob Rose

**Planning Commissioners Absent:**

Julia Leverenz

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Deputy County Attorney  
Terry Costello, Deputy Zoning Administrator

**C. PUBLIC COMMENT**

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Ms. Barbara Null stated that there was no report from the Development Review Committee.

Mr. Frank Polster stated that there was no report from the Policy Committee.

**E. CONSENT AGENDA**

1. Minutes of the June 2, 2021 Regular Meeting
2. Minutes of the May 25, 2021 Board of Supervisors Joint Meeting with the Planning Commission

Mr. Rich Krapf made a motion to approve the Consent Calendar.

On a voice vote, the Commission voted to approve the Consent Calendar. (6-0)

## **F. PUBLIC HEARINGS**

### **1. SUP-21-0014. Busch Gardens Entertainment Event Building**

A motion to Approve was made by Barbara Null, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rose

Absent: Leverenz

Ms. Terry Costello, Deputy Zoning Administrator, stated that Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. (VHB). has applied on behalf of SeaWorld Parks and Entertainment for a Special Use Permit (SUP) to allow the construction of an approximately 32,500 square foot building to be used partly as an entertainment event building and partly as a warehouse/storage facility. Ms. Costello further stated that the Busch Gardens Williamsburg site, located at 7851 Pocahontas Trail, is zoned M-1, Limited Business/Industrial and is designated Limited Industry on the 2035 Comprehensive Plan Land Use Map. Ms. Costello stated that a SUP is required because the proposed structure exceeds 10,000 square feet.

Ms. Costello stated that the event building will be located towards the rear of the property, where the nursery is currently located. Ms. Costello stated that the area is screened by mature trees and a large tall wooden fence. Ms. Costello further stated that this facility will not be visible from the Busch Service Road.

Ms. Costello stated that approximately 43% of the building space will be used for special entertainment events, and the remaining space will be used for storage. Ms. Costello noted that all materials and storage will be contained in the building, as there is no outdoor storage proposed.

Ms. Costello stated that staff has reviewed this application and finds it to be consistent with the Zoning Ordinance, Comprehensive Plan, and adjacent development. Ms. Costello further stated that other agencies have reviewed the application and minor comments will be addressed during the site plan process. Ms. Costello stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors subject to the proposed conditions.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Ms. Null made a motion to recommend approval of the application with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-21-0014. Busch Gardens Entertainment Event Building. (6-0)

## **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

## **H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - July 2021

Mr. Holt stated that the Commission would meet at Legacy Hall for the August and September meetings due to construction in the Board Room for lighting and technology upgrades.

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Haldeman noted that Mr. Rose would represent the Commission at the Board of Supervisors meeting on July 13, 2021.

Mr. Tim O'Connor requested that staff and the Commission do a postmortem on the Comprehensive Plan Update Process, particularly in light of the effect of the pandemic on public outreach and attendance at public forum.

The Commission concurred with the request.

Mr. Holt stated that staff would arrange for a Planning Commission Working Group meeting in the next few weeks.

**J. ADJOURNMENT**

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 6:12 p.m.

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Paul D. Holt, III, Secretary

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Jack Haldeman, Chair

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: June 24, 2021 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
	Minutes of the June 24, 2021 Comprehensive Plan Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/20/2021 - 9:10 AM
Planning Commission	Holt, Paul	Approved	7/20/2021 - 9:10 AM
Publication Management	Daniel, Martha	Approved	7/21/2021 - 12:42 PM
Planning Commission	Holt, Paul	Approved	7/25/2021 - 3:42 PM

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**June 24, 2021**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at 6 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Rich Krapf  
Tim O'Connor  
Frank Polster  
Barbara Null  
Julia Leverenz (remote)  
Rob Rose

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Deputy County Attorney (remote)  
Ellen Cook, Principal Planner  
Thomas Wysong, Senior Planner  
Tom Leininger, Senior Planner  
Tori Haynes, Senior Planner

**C. PUBLIC COMMENT**

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

**D. REPORTS OF THE COMMISSION**

There were no reports from the Development Review Committee or Policy Committee for this meeting.

**E. CONSENT AGENDA**

There were no items for the Consent Agenda.

**F. PUBLIC HEARINGS**

1. Consideration of the Comprehensive Plan, Our County, Our Shared Future - James City County 2045 Comprehensive Plan

Ms. Ellen Cook, Principal Planner stated, that the 2045 Comprehensive Plan before the

Commission reflects contributions from the citizens of James City County, community organizations and other stakeholders, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff.

Ms. Cook stated that the public engagement efforts led by the CPT spanned almost two years, and included a statistically significant citizen survey, a Listening Forum, and four rounds of public engagement efforts.

Ms. Cook further stated that development of the Comprehensive Plan, led by the PCWG, also spanned two years and has been informed by the public engagement efforts just noted. Ms. Cook stated that each section of the plan was revised with community input summaries, current facts and figures, pertinent information to meet state requirements, and updated goals, strategies, and actions (GSAs). Ms. Cook further stated that this update has included scenario modeling, and groundwork for the development of technical models to be used in the future to assess development impacts. Ms. Cook stated that this update has also examined a number of topics identified by the Planning Commission, the PCWG, and the Board of Supervisors.

Ms. Cook stated that on June 3, 2021, the PCWG recommended approval of the draft Comprehensive Plan by a vote of 6-0, and approval of the Future Land Use Map by a vote of 5-2. Ms. Cook stated that a list of revisions to the text that have been made per PCWG guidance at that meeting is included in the cover memo.

Ms. Cook stated that staff recommends that the Planning Commission recommend adoption of the James City County 2045 Comprehensive Plan, *Our County, Our Shared Future*.

Ms. Cook recognized Mr. Vlad Gavrilovic with EPR-PC, and Ms. Leigh Anne King with Clarion Associates, consultants for the Comprehensive Plan Review, were present for the meeting.

Mr. Haldeman opened the floor for questions from the Commission.

There were no questions from the Commission.

Mr. Haldeman opened the Public Hearing.

- Ms. Linda Rice, 2394 Forge Road, addressed the Commission in support of the Comprehensive Plan's guidance for Rural Lands and preservation of Open Space.
- Mr. Chris Ward, 140 Old Stage Road, addressed the Commission regarding LU-20-0017 to request that the parcels remain designated as Neighborhood Commercial.
- Ms. Nancy Cottrell Kruse, 3026 Forge Road, addressed the Commission in opposition to the recommendation for a larger minimum lot size for Rural Lands.
- Ms. Mary Aadahl, 2724 Forge Road, addressed the Commission in opposition to increasing the minimum lot size for Rural Lands. Ms. Aadahl stated that the change would be a financial burden on existing property owners.
- Mr. Tim Trant, Kaufman & Canoles, PC, 4201 Courthouse Street, addressed the Commission regarding the recommendation for a larger minimum lot size for Rural Lands.
- Ms. Claudia Cotton, Coastal Virginia Building Industry Association, 2117 Smith Avenue, Chesapeake, addressed the Commission in opposition to the recommendation for a larger minimum lot size for Rural Lands and the effect on the economy.

- Mr. Tim Trant, Kaufman & Canoles, PC, 4201 Courthouse Street, addressed the Commission on behalf of the Creighton Companies regarding LU-20-0028 and the impact on the planned redevelopment of the 7-Eleven on Croaker Road. ·
- Ms. Tobi Wiseman, 8416 Attleborough Way, addressed the Commission with concerns about the process of the Comprehensive Plan review and the effect of the change in minimum lot size for Rural Lands. ·
- Mr. Lawrence Hajek, 7150 Richmond Road, addressed the Commission in opposition to allowing wind farms as an alternate energy source in the County. ·
- Mr. Bobby Hornsby, 2 Kensington Court, addressed the Commission with concerns that the Comprehensive Plan is not yet ready for adoption due to the difficulties in public participation and property owner notification due to the Pandemic. Mr. Hornsby expressed opposition to the change in minimum lot size for Rural Lands. ·
- Mr. John Greer, 3126 W. Cary Street, Richmond, addressed the Commission on LU-20-0013, Oakland Farm. Mr. Greer recommended keeping the Moderate Density Residential designation on the front to allow greater flexibility in site design. ·
- Mr. Alan Shaia, 8211 Shelly Road, Richmond, representing York River Estates, LLC, addressed the Commission in opposition LU-20-0006, Stonehouse Area PSA Adjustment and expressed concern about infringing on development rights. ·
- Mr. James Brittain, 7144 Pinebrook Road, addressed the Commission with concerns about residential windmills, carbon sequestration, and the removal of the Mooretown Road Extension. ·
- Mr. Chris Woodfin, 98 Meadowcrest Trail, addressed the Commission in opposition to the Mooretown Road Extension being eliminated from the Comprehensive Plan. ·
- Mr. Jim Cavey, 5195 Rollison, addressed the Commission in opposition to the Land Use Application for the Eastern State Property and its proposed development. ·
- Ms. Mary Cheston, 5178 Rollison, representing the New Town Board of Directors, addressed the Commission in opposition to LU-20-0002 and the proposed development of the Eastern State Property. ·
- Ms. Virginia Stuart Dopp, 5185 Rollison, representing an informal group of New Town residents, addressed the Commission in opposition to LU-20-0002 and the proposed development of the property. ·
- Mr. Jay Epstein, 32 Whittakers Mill, addressed the Commission with a presentation in support of the proposed development associated with LU-20-0001. ·
- Mr. Mike Ware, 9024 Bar Harbor Lane, Hayes, also addressed the Commission in support of LU-20-0001 as a second presenter for Mr. Epstein's presentation. ·
- Mr. Miles Diamond, 7229 Church Lane, addressed the Commission in opposition to wind farms. ·
- Mr. Richard Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the Land Use Designation changes for LU-20-0023, LU-20-0002, and LU-20-0003. ·

- Ms. Susan Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the Land Use Changes for the Eastern State properties. ·
- Mr. Jeffrey A. Deel, 5210 Rollison Drive, representing a group of New Town residents, addressed the Commission in opposition to the Land Use Change and potential development of the Eastern State Property. ·
- Mr. Vernon Geddy, Geddy, Harris, Franck and Hickman, LLP, 1177 Jamestown Road, representing ABVA Development, LP, addressed the Commission with clarifications of the Land Use Application for the Eastern State Property. ·
- Mr. John Sawyer, 405 Oak Grove Road, Norfolk, representing Broughton, LLC, owner of Oakland Farm, addressed the Commission in opposition to LU-20-0013. ·
- Mr. Jason Grimes, AES Consulting Engineers, 5248 Olde Towne Road, addressed the Commission, on behalf of his client, Johnny Lawson, in opposition to the change in minimum lot size for properties designated Rural Lands. ·
- Mr. Larry Cook, 4005 Powhatan Secondary, addressed the Commission in opposition to LU-20-0017. ·
- Mr. Jay H. Everson, 6923 Chancery Lane, addressed the Commission with recommendations to amend the language in several of the Environmental GSAs regarding windmills. Mr. Everson also addressed the Commission in opposition to light rail.

As no one else wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion.

Ms. Barbara Null stated that the Comprehensive Plan seeks to maintain the rural character of the County and therefore the GSAs use words study, investigate, and analyze which create imperatives that should be done at the state level due to the lack of funding for the experts needed to address the issues. Ms. Null stated that as an example the state studied sea level rise and advised the County on necessary actions.

Ms. Null stated that the Mooretown Road Extension should be reinstated in the Comprehensive Plan as some of the informing information was outdated. Ms. Null stated that the road should remain against the potential for future growth and be designated to be constructed at a developer's expense.

Ms. Null stated that there are many unintended consequences associated with the construction of wind farms including migratory bird deaths, removal of existing tree canopy, high noise levels, visual blight, and the units cannot be repaired or recycled and remain in place at the end of their useful life. Ms. Null further stated that several of the materials needed to construct the windmills are not ethically sourced. Ms. Null recommended that GSA ENV-4.6 be amended to: "...with the exception of windmill farms as James City County will not accept them or their use as alternative energy." Ms. Null further recommended amending GSA ENV-4.5 by removing the encouragement to use residential windmills in its entirety. Ms. Null stated that the goal would be to tighten up language and regulations for alternative energy sources to eliminate the possibility of the development of wind farms.

Ms. Null further stated that the GSA ENV-1.174 dealing with streams and rivers needs to be removed completely as staff has stated that it could not be done locally or even effectively and

is an in-actionable item.

Mr. O'Connor stated that it appears that on Page 4 of the Introduction, the terms "Rural Lands" and "Rural Areas" are used interchangeably. Mr. O'Connor noted that rural areas are defined as land that is inside and outside the Primary Service Area (PSA) and Rural Lands as land that is outside the PSA. Mr. O'Connor stated that he recommends changing the last sentence under "A Community that Values its Rural Landscape" to read: "Many are concerned that the pace, pattern and character of new growth and development may harm this treasured character of the County and many expressed a strong desire both to limit the pace and amount of new development and to direct it away from the rural lands that they value so highly.

Mr. O'Connor stated that he is concerned that there will be unintended consequences with the change in minimum lot size for properties designated rural lands. Mr. O'Connor stated that the 1:20 ratio will prevent rural clustering which is supported by the Comprehensive Plan and negatively impact workforce housing outside the PSA. Mr. O'Connor further stated that he is concerned that this will negatively impact the value of these properties and create an economic hardship for the property owners. Mr. O'Connor stated that he would like to see the ratio lowered or provide a higher density for rural clusters.

Mr. O'Connor stated that he believes the Comprehensive Plan does not sufficiently address the public schools, particularly the need to have trade school options locally. Mr. O'Connor noted that these options would support economic development with a ready workforce.

Mr. O'Connor further stated that the stand alone GSA ED 8-"Continue to monitor the broader economic factors and forces that shape the County's local economy, including global issues such as the COVID-19 Pandemic, national industry trends such as the retail industry transitioning from brick and mortar to the online marketplace, and statewide policies, such as scheduled increases in the minimum wage" is out of the County's hands and should be removed.

Mr. O'Connor further requested that the GSA regarding carbon sequestration be removed or modified.

Mr. Krapf stated that one thing consistently emphasized in all discussions related to the change in density for rural lands, is that this change should not go forward without due consideration of the rights and financial interests of the property owners. Mr. Krapf noted that the members of the PCWG expressed interest in developing a compensation mechanism for the current property owners. Mr. Krapf stated that the purpose of the change was to limit residential development in rural lands but not limit rural economic development. Mr. Krapf further stated that there was discussion on Purchase of Development Rights (PDR) where land owners would be compensated if they gave up the opportunity for residential development as well as other tools. Mr. Krapf stated that the change in density was not a casual or arbitrary recommendation. Mr. Krapf stated that he would be supportive of having one density for by-right development and an increased density for rural clusters.

Mr. Krapf further stated that he strongly supports putting the Mooretown Road Extension back in the Comprehensive Plan. Mr. Krapf stated that the Comprehensive Plan is a guidance document to assess whether something, such as road improvements, might be necessary within the next 25 years. Mr. Krapf stated that the key to long-term planning is to provide options to address future conditions.

Mr. Krapf stated that, regarding the Eastern State parcels, the only thing the PCWG addressed is changing the land use designation for that excess property to mixed use. Mr. Krapf stated that the name New Town was attached to the application solely because of its proximity to New Town. Mr. Krapf stated that in recommending the Land Use Designation

Change, the PCWG was not approving annexation to New Town or any specific development proposal. Mr. Krapf further stated that if those 87 acres were incorporated into New Town, it would require a Master Plan Amendment which would have to go through a legislative process, public notification and a public hearing. Mr. Krapf stated that it would ultimately be up to the Board of Supervisors to decide on that proposal. Mr. Krapf further stated that any development of the property would also be subject to a Rezoning which requires intense analysis of impacts to the County. Mr. Krapf stated that the 2019 Citizen Survey showed that our citizens want to preserve the rural character of the County, particularly preserving rural lands. Mr. Krapf stated that this requires encouraging development within the PSA and recognizing that there will be trade-offs in the process.

Mr. Polster expressed appreciation for Ms. Ginny Wertman and her service on the CPT. Mr. Polster further expressed appreciation for staff in putting the Comprehensive Plan together.

Mr. Polster stated that each section of the Comprehensive Plan had been reviewed and discussed intensively. Mr. Polster further stated that because the Environmental section had been reviewed numerous times, he is somewhat surprised at the discussion from the Commission regarding forest sequestration and windmill farms.

Mr. Polster stated that the GSA related to alternative energy sources exists so that the County can develop an Ordinance that governs and provides guidance for the use of alternative energy sources such as windmill farms and solar farms. Mr. Polster further stated that the Department of Conservation and Recreation (DCR) has developed a guiding document that sets forth guidelines for these installations; however, without an Ordinance or policy in place, these recommendations cannot be enforced.

Mr. Polster further stated that regarding forest sequestration, in order to have sufficient credits to interest a financial institution, this has to be aggregate and there needs to be an entity, such as Economic Development, leading the process. Mr. Polster stated that one theme throughout has been compensation for landowners impacted by the reduction in density for rural lands. Mr. Polster stated that many of the landowners already take advantage of the tax breaks provided by the Agricultural and Forestal District Program. Mr. Polster further stated that the forest sequestration program could provide compensation of \$106 per acre for 20 years.

Mr. Polster stated that the state has decided to expand forest sequestration to include farmland and wetlands. Mr. Polster noted that the state realized approximately \$80 million last year from selling carbon credits. Mr. Polster stated that a portion of that comes to the County for stream restoration and other programs to address flooding. Mr. Polster stated that in the next 20 years the County will experience a sea level rise of 1.5 feet. Mr. Polster stated that the County would be remiss if it did not establish programs to mitigate the impacts of sea level rise over the next 20 years.

Mr. Rose stated that he appreciates hearing the citizen concerns so that he can better understand the issues.

Mr. Rose stated that climate change is not a political issue and references to climate change should not be removed from the Comprehensive Plan. Mr. Rose further stated that the Department of Defense is including climate change in its planning documents because it is viewed as an international security risk. Mr. Rose stated that part of planning for climate change is the need for renewable energy. Mr. Rose stated that over the next five to 10 years, wind turbines will evolve into something far different from the current design. Mr. Rose further stated that studies have been done and will continue to be done on methods to reduce bird strikes. Mr. Rose stated that addressing these matters now in the Comprehensive Plan is important for the County and the nation as we have to shift the focus to renewable energy.

Ms. Julia Leverenz expressed appreciation for the citizens who have participated in the Public Hearing as well as those who participated in the public engagement opportunities.

Ms. Leverenz stated that she wanted to address the concern that the change in density for rural lands is detrimental to rural workforce housing. Ms. Leverenz stated that this concern would apply to land inside the PSA, but not outside the PSA. Ms. Leverenz stated that when evaluating sites for workforce housing, staff looks at whether it is close to employment centers and has access to public transportation. Ms. Leverenz stated that neither of those criteria are proximate to areas designated rural lands outside the PSA. Ms. Leverenz further stated that she could support a higher density for a rural cluster development.

Ms. Leverenz stated that she supported withdrawing the Mooretown Road Extension from the Comprehensive Plan because she felt the Solar Farm would discourage any further economic development on the property. Ms. Leverenz further stated that she was not certain that the Mooretown Road Extension would address the concerns about traffic on Richmond Road in the long term based on the development in York County. Ms. Leverenz noted that if it is truly needed, it can be reconsidered at the next Comprehensive Plan Update.

Ms. Leverenz stated that the recommendation to change the designation of the Eastern State property to mixed use is to indicate that this is an area where the County would be amenable to a development similar to New Town, but not necessarily as part of New Town.

Mr. Haldeman stated that regarding LU-20-0017, he has concerns over the additional traffic associated with retail development on a corridor that was poorly designed and is already congested. Mr. Haldeman stated that he recognizes that the property owners are at a disadvantage and hopes for a solution to be found.

Mr. Haldeman stated that over the last several Comprehensive Plan Updates, residential development has not been a recommended use for rural lands. Mr. Haldeman further stated that in the PCWG considerations, they looked at strategies used by other localities, especially high growth localities, to see what tools they were using to control growth. Across the board, it was evident from those localities that a minimum lot size of three acres would not be sufficient to suppress residential development in rural lands; even a minimum of 10 acres is not. Mr. Haldeman stated that the recommendation was for a minimum lot size of 20 acres or more. Mr. Haldeman stated that he feels it is necessary to move forward with the 20-acre minimum lot size in order to meet the goals of preserving the rural character and protecting rural lands. Mr. Haldeman further stated that limiting residential development in rural lands and developing a workforce housing program in the County are not necessarily mutually exclusive.

Mr. Haldeman stated that he did not support the land use application for the Eastern State property primarily because of the traffic impacts.

Mr. Haldeman stated that he is in favor of considering alternative forms of energy; however, he is not able to envision windmills in any part of the County. Mr. Haldeman stated that even though technology may improve the noise aspect and bird strikes, they will still be visible. Mr. Haldeman stated that he was not opposed to letting the GSA remain to encourage further discussion of a guiding Ordinance or policy.

Mr. Haldeman further stated that he supports the land use application for Oakland Farm so that there will be some greenspace remaining that will help divide Norge from Toano and allow Toano to keep the unique identity it is trying to develop.

Mr. Haldeman stated that he is happy to see light rail remain in the Comprehensive Plan even though it cannot be achieved in practical scenarios.

Mr. O'Connor requested discussion on the land use cases.

Mr. Haldeman agreed to discussion on the land use cases.

Mr. Polster requested clarification on whether this would be an up or down vote on the entire Comprehensive Plan but with codicils.

Mr. Krapf stated that the entire Comprehensive Plan would move forward as drafted, but any changes indicated by straw vote would be a separate addendum for the Board's consideration.

Mr. Haldeman stated that there would be a vote on the entire Comprehensive Plan.

Mr. Haldeman stated that he strongly supports removing the Mooretown Road Extension out of the Comprehensive Plan. Mr. Haldeman stated that once the County included the road in the Comprehensive Plan initially, the parcels nearby in York County shifted to residential development. Mr. Haldeman stated that traffic in that area is problematic. Mr. Haldeman stated that it is not possible to pave a way out of the congestion by widening or extending roads because that in itself will spur more development. Mr. Haldeman further stated that if the road connects from one end to the other, it will become a residential pass through road and degrade the value of the Economic Opportunity (EO) parcel. Mr. Haldeman stated that a single entrance to the EO parcel would be a much better approach.

Mr. Haldeman stated that the Planning Commission does not make a final decision on the Comprehensive Plan. Mr. Haldeman explained that the Commission does background work, research, and analysis to make a recommendation to the Board of Supervisors (Board). Mr. Haldeman further explained that the Board would make the final determination. Mr. Haldeman noted that the Board has been involved in the process from the outset, providing guidance through several joint meetings to discuss key issues.

Mr. O'Connor inquired whether the proposal associated with LU-20-0001 would require a central well or individual well and septic if the recommendation was that it should not go in the PSA.

Ms. Cook stated that under the current Subdivision Ordinance, a major subdivision that is outside the PSA would be served by a central well. Ms. Cook further stated that there is also the option to apply for a Special Use Permit (SUP) to extend water to the subdivision.

Mr. Haldeman inquired if there were any assurances through the Comprehensive Plan that the amenities proposed by Mr. Epstein for the Solara Woods development would come to fruition.

Ms. Cook stated that there would not be any assurances.

Mr. O'Connor requested clarification on the Mooretown Road Extension and the impacts on intersections in 2040.

Mr. Holt provided a summary of both the Build and No Build scenarios for the Mooretown Road Extension. Mr. Holt noted that since the Mooretown Road Corridor Study was completed in 2015, changes have been made to the final design of the Croaker Road Widening, plans are in place to improve signalization along Richmond Road, and several other improvements have been made toward easing congestion.

Mr. O'Connor inquired whether the Build scenario showed improvement for intersections that were below acceptable levels.

Mr. Holt stated that some Levels of Service (LOS) did not change, some improved, and one was slightly worse. Mr. Holt stated that the data did not account for specific build out on the EO property, only what might be generally possible.

Mr. O'Connor inquired about the amount of residential space allowed within the EO Zone.

Mr. Holt stated that the residential component was limited to 15% or less.

Mr. O'Conner commented that the concern about constructing the Mooretown Road Extension was not necessarily tied to residential development.

Mr. Holt stated that the reason there were three potential alignments for the road was because each provided a different benefit depending on the use of the property.

Mr. Haldeman noted that he was not as concerned about the residential component. Mr. Haldeman stated that the residential development would happen regardless and there would need to be access to the property. Mr. Haldeman further noted that in 2013 all the property in York County on both sides of Lightfoot Road from Richmond Road to Mooretown Road was designated EO and is now designated High Density Residential. Mr. Haldeman further stated that parcels on Bulifant's Boulevard were also designated Economic Opportunity and are now residential. Mr. Haldeman stated that it is not possible to pave a way out of road congestion.

Mr. Polster stated that similarly, previous Comprehensive Plans had recommended improving Monticello Avenue. Mr. Polster stated that the specific remedies had been completed and had not brought the necessary relief due to continuing development.

Mr. O'Connor inquired why James City County residents should be penalized because of what York County is doing.

Mr. Polster stated that 94% of County residents do not want more development, based on the most recent survey; yet keeping the Mooretown Road Connector in the Comprehensive Plan would encourage such development.

Mr. O'Connor noted that many residents in the northern end of the County would prefer to keep the Mooretown Road Extension in the Comprehensive Plan.

Mr. Haldeman stated that he believes the real penalty will be encouraging more growth with more and wider roads.

Mr. O'Connor noted that the biggest gap on the survey is in affordable housing, yet recommendations are being made to go from moderate to low density inside the PSA and increasing the minimum lot size outside the PSA. Mr. O'Connor inquired where the gap in affordable housing would be addressed.

Mr. Polster stated that affordable housing was addressed by the recommendation for the corridor renovation and Mixed Use area on Richmond Road. Mr. Polster stated that the same is true of the Mixed Use area on Pocahontas Trail off of Route 199 if the County can ever develop a proffer that allows it as an option. Mr. Polster stated that the only option proposed under Housing is Inclusionary Housing which requires a legislative change, so that we can have affordable housing in Mixed Use and have it required. Mr. Polster stated that right now there is no guarantee of that happening.

Mr. Krapf noted that regarding the Law of Induced Demand there is not a one size fits all scenario. Mr. Krapf noted that there may be a Law of Induced Demand that applies under

certain circumstances but if you use that rational for road improvements, there is no incentive to make improvements to address inadequate LOS.

Mr. Polster stated that the County invested in a traffic consultant to project what the levels of service would be in 2045 based on this Land Use Application. Mr. Polster stated that two critical intersections and several major roadways will be operating at LOS E or F. Mr. Polster stated that he is concerned that the Commission is not looking at the science of why they conducted the traffic analysis.

Mr. Krapf made a motion to put the Mooretown Road Extension back in the Comprehensive Plan.

Mr. O'Connor inquired if this was a straw vote or a formal vote.

Mr. Haldeman stated that it was a straw vote.

On a voice vote, the Commission voted to recommend that the Board of Supervisors put the Mooretown Road Extension back in the Comprehensive Plan. (4-3)

Mr. O'Connor stated that he is intrigued by the proposal associated with LU-20-0001. Mr. O'Connor stated that keeping the project within the PSA and increasing the protected lands within the conservation easement by 16 acres accomplishes a number of items that are in step with the Comprehensive Plan goals. Mr. O'Connor stated that he hoped the Commission would choose to put the property within the PSA or give serious consideration to the SUP application to extend water to the property when it comes before the Commission.

Mr. Krapf stated that there is no guaranteed that the development will be constructed as proposed. Mr. Krapf further stated that he is concerned that by putting the property in the PSA, it is potentially open to more intense development.

Mr. Polster stated that he would be more comfortable with the property remaining out of the PSA, and considering a legislative application that provides proffers and a firm Master Plan since there is no way to ensure how the development will be built out otherwise.

Mr. Rose stated that he is very supportive of the land use change, if there is the option of extending water to the property through a legislative application.

Mr. Polster suggested recommending the Board of Supervisors consider extending water and sewer to the property with an appropriate legislative application.

Mr. Holt stated that the County cannot designate a by-right use for an SUP. Mr. Holt stated that the only components that could be subject to a legislative application would be the solar farm and the extension of water and sewer.

Ms. Cook noted that there is no place to incorporate property-specific recommendation language in the Comprehensive Plan.

Mr. Polster stated that the minutes of this meeting would reflect the recommendation.

Mr. O'Connor noted that he was referring specifically to the extension of water and sewer.

Mr. Holt confirmed that the extension of water and sewer would require legislative action. Mr. Holt stated that it would probably not be possible to attach conditions to an SUP for extension of water and sewer that were not directly related to that process. Mr. Holt stated that but for those things already contained in the Zoning Ordinance that require a legislative

process, the Commission cannot, by virtue of the Comprehensive Plan Update, attach additional conditions or expectations to this particular application for the property. Mr. Holt stated that likewise, historically the Planning Commission and Board of Supervisors have not considered an out-of-cycle Comprehensive Plan Update. Mr. Holt further stated that if the idea was that the PSA change could be considered when the applicant came forward with a legislative application, that would very much be an out-of-cycle Comprehensive Plan change.

Mr. Hlavin stated that, in theory, it would be possible to attach an easement to a future development proposal.

Mr. Hlavin stated that he concurs with Mr. Holt and recommends sticking to the issue at hand with the land use designation changes.

Mr. Krapf noted that if the Commission voted to keep the parcel out of the PSA, a legislative application could be considered later.

Mr. Holt stated that the legislative application would be considered in light of the guidance in the Comprehensive Plan. Mr. Holt further stated that the Commission and the Board of Supervisors could also consider other factors and potential benefits when reviewing the application. Mr. Holt stated that there is some small history of the Board of Supervisors approving the extension of water and sewer in certain cases without a Comprehensive Plan Update.

Mr. Polster made a motion to recommend approval of the Comprehensive Plan and the Future Land Use Map.

Ms. Null inquired if there could still be discussion on some of the items when it is considered by the Board of Supervisors.

Mr. Hlavin stated that the best way to address the Commissioner's individual recommendations as addenda is if Mr. Polster's motion goes forward, then individual Commissioners can make motions for additional recommendations to go along with the main recommendation. Mr. Hlavin further stated that the language changes should be voted up or down as recommendations to the Board of Supervisors.

Mr. Rose inquired if it was possible to understand and vote on the additional recommendations first.

Mr. Holt stated that they are two different things because the attachments are not included as part of the Comprehensive Plan and Future Land Use Map as currently presented. Mr. Holt stated that as he understands it, the motion on the floor is to recommend approval to the Board of Supervisors of the Comprehensive Plan and Future Land Use Map as currently presented in the Agenda Packet. Mr. Holt stated that for the other requests, those will follow with votes and be enumerated in the minutes.

Mr. Hlavin stated that the additional recommendations could be considered first and included as an amendment to the Comprehensive Plan or considered second and provided as additional recommendations.

Mr. O'Connor stated he has concerns about recommending approval of the Comprehensive Plan as currently set forth. Mr. O'Connor noted that it would significantly change the way he votes. Mr. O'Connor stated that if the discussion about recommending these changes in the Comprehensive Plan occur first, that will also significantly impact his vote.

Mr. Holt stated that he had been reminded that in past years, the Commission voted on the

various pieces first and then the Comprehensive Plan.

Mr. Polster inquired if voting on the additional pieces would change the Comprehensive Plan as it is presented in the Agenda Packet.

Mr. Holt stated that it just goes forward as a recommendation to the Board of Supervisors.

Mr. Haldeman requested that Mr. Holt call the roll on the motion on the floor.

On a roll call vote, the Planning Commission voted to recommend approval of the Comprehensive Plan and Future Land Use Map to the Board of Supervisors. (5-2)

Mr. Krapf made a motion to recommend adding the Mooretown Road Extension to the Future Land Use Map.

On a roll call vote, the Planning Commission voted to recommend adding Mooretown Road to the Future Land Use Map. (4-3)

Ms. Null made a recommendation to amend the opening paragraph 4.6 to state that "...with the exception of Windmill Farms, as James City County will not accept them or their use as alternative energy, ..."

On a roll call vote, the motion failed to pass. (1-6)

Mr. O'Connor made a motion to recommend density bonuses for rural clusters on properties designated as Rural Lands.

Mr. Holt requested clarification on whether this recommendation would be part of a GSA or an addition to the Comprehensive Plan text.

Ms. Cook noted that the Designation description for Rural Lands discusses clusters. Ms. Cook suggested that this might be an appropriate place to add the recommended language.

Mr. Polster inquired about specific staff recommendations for density bonus conditions.

Mr. Holt stated that the conditions would generally come into play during the legislative process with the SUP application for the cluster.

Mr. O'Connor stated that his recommendation is that through the Comprehensive Plan, the County enable consideration of an Ordinance in Rural Lands that allows for higher density for clusters.

Mr. Polster stated that he does not understand what the implications would be. Mr. Polster further stated that a staff analysis is needed on the number of properties over 100 acres that this would apply to. Mr. Polster further stated that without an analysis of what the density bonus would look like on those pieces of property that are larger than 100 acres, he would not support the recommendation.

Mr. O'Connor stated that the issue is that the County continually hears from the landowners that their properties are being devalued almost to the point of being a Taking. Mr. O'Connor stated that he is trying to create an opportunity for those landowners to come to the Planning staff with a proposal for developing the land at a higher density, but while providing certain benefits with improved land preservation.

Mr. Haldeman stated that under Rural Lands Designation Description No. 3, Recommended

Density it states "... Residences associated with agricultural and forestal activities may be appropriate, but subdivision of lots should occur at a density of no greater than one residence per 20 acres. A very limited amount of residential development could be permitted in the form of rural clusters, provided significant preservation of the natural resources is achieved, such development does not interrupt rural qualities or character, and the development standards for rural clusters listed below are followed..."

Mr. Haldeman stated the "below" refers to Rural Lands Designation Description No. 5, Rural Clusters which provides that "If built, rural clusters should develop with the following guidelines: a) Densities should be no higher than the maximum permitted density in the underlying zoning district..."

Mr. Haldeman inquired if it would be acceptable to amend that to: "If built, with the following guidelines: a) Density should be higher than the maximum permitted density in the underlying zoning district."

Mr. O'Connor stated that he was fine with that as he did not have a particular number in mind.

Ms. Leverenz suggested changing the word "should" to "may".

Mr. Holt clarified that the recommendation would be to amend to Rural Lands Designation Description No. 5(a) to state: "Density may be higher than the maximum permitted density in the underlying zoning district, with the conditions listed above."

Mr. O'Connor confirmed that this was his motion.

On a roll call vote, the Planning Commission voted to recommend that Rural Lands Designation Description No. 5(a) be amended to state: "Density may be higher than the maximum permitted density in the underlying zoning district." (7-0)

Mr. O'Connor suggested clarifying the GSA ENV - 3.7.1: Investigate Carbon Sequestration approaches as may be permitted by State Code 15.2-4901 to explain what the enabling legislation is so that it would be clearer for the citizens. Mr. O'Connor suggested adding GSA ENV - 3.7.1.2 which would state that the Economic Development Authority (EDA) has the power to facilitate and support land owner access. Mr. Holt inquired if this addition is intended to be specific to the preservation of existing forested lands in James City County.

Mr. O'Connor deferred to Mr. Polster for clarification.

Mr. Polster stated that there are two different approaches for the carbon sequestration piece. Mr. Polster stated that the County could use a private firm which could be the aggregator of the process. Mr. Polster stated that there is the possibility under the federal regulations that the United States Department of Agriculture (USDA) would provide guidance to landowners. Mr. Polster stated that the EDA as a second approach was a way is a way for the County and adjacent jurisdictions to receive revenue. Mr. Polster further stated that it is another Economic Development piece of taking a look at rural lands. Mr. Polster stated that if the state level task force that reports back in January 2022 includes carbon sequestration for farmland as well as wetlands, that opens up other opportunities. Mr. Polster stated that he is not necessarily set on the EDA to be an option except that it is a way for the County to generate revenue. Mr. Polster stated that he is looking at ways to enable the County to take advantage of the carbon sequestration and what the law permits. Mr. Polster stated that he expects that when staff considers the options they will consider a range of best practices to decide whether the EDA or a private firm would serve best. Mr. Polster stated that the enabling language would be an Ordinance on the part of the County to be enacted by the

Board of Supervisors. Mr. Polster stated that there is no harm in leaving the language as it stands.

Mr. O'Connor stated that his concern is that as the State Code language is written today, it just defines the one piece about facilitating and supporting landowners. Mr. O'Connor further stated that if §15.2-4901 changes, the County may be committing the EDA or the Planning Commission to something we are not in agreement with. Mr. O'Connor stated that he has no problem with carbon sequestration or developing an Ordinance but he feels like this is a blank slate.

Mr. Polster made a motion that GSA ENV - 3.7.1 state: "Investigate carbon sequestration approaches."

Mr. Holt stated that he is trying to glean from the intent, specific to rural lands, if the efforts should be focused on preserving the existing rural character and taking advantage of the existing natural areas in our rural lands rather than aggregating landowners who want to come in and combine properties to put in technology or manmade solutions to capture that carbon as opposed to just taking advantage of our existing natural tree canopy.

Mr. O'Connor stated that he thought, being under the Environmental section, the intent was to protect the rural lands and forested areas.

Mr. Polster stated that he believes it is specific to forest sequestration and any expansion is not within that proviso. Mr. Polster further stated that this is why the task force that is part of the state now includes farmlands and wetlands which are also rural characteristics. Mr. O'Connor commented that the enabling code language only states facilitate and support landowner access to carbon markets through aggregation of landowners to reach a size that it attracts the investment of private capital. Mr. Polster stated that this is referring to the Regional Greenhouse Gas Initiative (RGGI) which is what the state is using to sell its carbon.

Mr. Holt noted that if the Commission is looking to add specificity to the GSA, under the auspices of the program, adding clarity to the intent of that desire to preserve existing forested assets in the County could be a way to accomplish that.

Mr. Haldeman noted that the Comprehensive Plan contains a number of references to State Code. Mr. Haldeman inquired if the County bears risk with all of them by including references.

Mr. Holt stated that because the legislation is so new, there is no certainty about what it means for the County.

Mr. Polster suggested rephrasing his motion to say: "Investigate carbon sequestration approaches that may protect the rural lands and tree canopy of the County."

Ms. Null inquired if the code reference would remain.

Mr. Polster stated that he did not have a problem with the code language. Mr. Polster further stated that how the program is executed has not yet been determined. Mr. Polster stated that it will be up to someone else to make that decision. Mr. Polster stated that the important thing is that this is a way to reimburseland owners for the eco-services they provide.

Mr. Holt requested that Mr. Polster repeat his motion for clarity.

Mr. Polster stated that his motion is to recommend amending GSA ENV - 3.7.1. by removing the existing language and instead stating: "Investigate carbon sequestration approaches as they may apply to the rural lands of the County and the forest canopy." On a roll call vote, the

Commission voted to recommend amending GSA ENV-3.7.1. (7-0)

Mr. O'Connor stated that for LU-20-0017 he would recommend keeping the parcel designated Neighborhood Commercial on the Future Land Use Map.

Mr. Haldeman stated that the Commission had concerns about approving more commercial development on Monticello Avenue.

Mr. O'Connor noted that in the previous legislative application for that parcel, the concerns are more related to the intensity of the use. Mr. O'Connor further stated that if the property remains Neighborhood Commercial, it would be up to the landowner to come back to the Commission with a proposal for a less intensive use that would be acceptable to the Board of Supervisors.

Mr. Krapf stated that the previous legislative application pushed the upper limits of Neighborhood Commercial and was too intense for the area constraints.

Mr. O'Connor made a motion to advance LU-20-0017 with the recommendation that it remain designated as Neighborhood Commercial.

Mr. Polster inquired if the recommendation included all three parcels.

Mr. Holt stated that there were four parcels included in the application.

Mr. O'Connor confirmed that all four parcels were included in his motion.

On a roll call vote, the Commission voted to recommend that the parcels remain designated as Neighborhood Commercial on the Future Land Use Map. (5-2)

Mr. Krapf recognized the James City County Police Officers who had been present to assist with crowd control if needed.

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for Planning Commission Consideration.

#### **H. PLANNING DIRECTOR'S REPORT**

There was no Planning Director's report for this meeting.

#### **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Haldeman stated that Mr. Rose would represent the Planning Commission at the July 13, 2021 Board of Supervisors Meeting.

Ms. Leverenz stated that she would not be able to attend the July Planning Commission meeting.

#### **J. ADJOURNMENT**

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 10:15 p.m.

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Paul D. Holt, Secretary

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Jack Haldeman, Chair

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: Tom Leininger, Senior Planner

SUBJECT: SUP-21-0013. 2631 Lake Powell Road Tourist Home

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Proposed Special Use Permit Conditions	Backup Material
▣	Master Plan	Backup Material
▣	Applicant Narrative	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/28/2021 - 1:04 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 1:04 PM
Publication Management	Daniel, Martha	Approved	7/28/2021 - 1:44 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:01 PM

**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant: Mr. Brandon Lapetina

Land Owners: Troy H. and Helen W. Lapetina Trustee

Proposal: To allow for a tourist home rental of an entire three-bedroom residential home as a tourist home. The owner does not live on-site.

Location: 2631 Lake Powell Road

Tax Map/Parcel No.: 4830100028

Property Acreage: ± .35 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: (PSA) Inside

Staff Contact: Tom Leininger, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 4, 2021, 6:00 p.m.

Board of Supervisors: September 14, 2021, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts: See Impact Analysis on Pages 3-4.

**FACTORS UNFAVORABLE**

1. Impacts: See Impact Analysis on Pages 3-4.
2. Staff finds the proposal inconsistent with the proposed short-term rental language of the Draft 2045 Comprehensive Plan.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of the proposed Special Use Permit (SUP) subject to the proposed conditions.

**PROJECT DESCRIPTION**

Mr. Brandon Lapetina has applied for an SUP to allow for a short-term rental of an existing three-bedroom house as a tourist home. This house is not the primary residence for Mr. Lapetina, who lives at 2635 Lake Powell Road, adjacent to the subject parcel. The proposal includes no changes to the size or footprint of the house.

The Zoning Ordinance defines a tourist home as “a dwelling where lodging or lodging and meals are provided for compensation for up to

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**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
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five rooms which are open to transients.” The proposed conditions limit the number of bedrooms available for rental to three bedrooms.

The property has an existing driveway and an existing parking area sufficient to accommodate guests. The three-bedroom home is on public water and sewer. In previous tourist home applications, staff calculated the number of occupants to be two people per bedroom. Per the applicant, there are two bedrooms with bunk beds with space for three occupants each. Per SUP Condition No. 3, the maximum number of occupants per contract, including children, is eight.

**PLANNING AND ZONING HISTORY**

- There have been no legislative cases associated with this parcel. There have been two previous boundary line adjustments associated with this parcel and neighboring parcels.

**SURROUNDING ZONING AND DEVELOPMENT**

- The property is not located within any major or minor subdivision.
- The properties surrounding this parcel to the north, south, and west are all zoned R-2, General Residential.
- Properties to the east are all zoned R-1, Limited Residential.
- Properties to the north, west, and east are all designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- Properties to the south are all designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

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**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The proposal is not anticipated to generate traffic exceeding a typical residential use.</li> <li>- The subject property is located on a collector road. No changes anticipated to Level of Service on Lake Powell Road.</li> </ul>
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Per the Adopted Regional Bikeways Map and Pedestrian Accommodation's Master Plan, Lake Powell Road is an existing shared roadway.</li> <li>- There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.</li> </ul>
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 2.4 miles from the proposed tourist home.</li> <li>- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.</li> </ul>
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The property receives public water and sewer.</li> <li>- James City Service Authority has reviewed the proposal and recommended approval.</li> </ul>

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**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Lake Powell Road is not a Community Character Corridor and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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### **2035 COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Low Density Residential describes areas within the PSA and usually have a natural characteristics suitable for residential development.

Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area.

*Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.*

- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses.

*Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.*

- Generally be located on collector or arterial roads at intersections.

*This property is located on, and takes access from, Lake Powell Road. This segment of Lake Powell Road is classified by the*

*Virginia Department of Transportation (VDOT) as a collector Road.*

- Provide adequate screening and buffering to protect the character of nearby residential areas.

*Staff finds that existing vegetation and fencing provide adequate screening from adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.*

Staff finds the proposal meets the following Comprehensive Plan goals:

#### Land Use

LU 4.5 - Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.

#### Economic Development

ED 2.3 - Promote tourism and associated industries as a year-round industry.

ED 5 - Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

### **2045 COMPREHENSIVE PLAN**

Although the 2045 Comprehensive Plan has not been adopted by the James City County Board of Supervisors, the draft plan provides recommendations regarding locations for short-term rentals. This information below is provided for context only based on the current

**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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draft language:

If located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

*This property is designated Low Density Residential on both the adopted 2035 Comprehensive Plan Land Use Map and the draft 2045 Comprehensive Plan Land Use Map.*

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

*This parcel is not located within an existing platted subdivision and fronts on Lake Powell Road.*

- Be located on a major road.

*This property is located on, and takes access from, Lake Powell Road. This segment of Lake Powell Road is classified by the VDOT as a collector road.*

- Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

*The owner of the home will not reside on the same property as the proposed rental. The homeowner will live at the adjacent property located at 2635 Lake Powell Road.*

Staff finds the proposal meets the following 2045 Comprehensive Plan goals:

Land Use

LU 4.3 - Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.

Economic Development

ED 2.1 - Promote tourism, including eco-tourism and agri-tourism and associated industries as a year-round asset.

ED 4 - Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings that efficiently uses infrastructure and natural resources, as well as establishes or enhances the area's sense of place and community character.

**PROPOSED SUP CONDITIONS**

The full text of the proposed conditions are provided in Attachment No. 1.

**STAFF RECOMMENDATION**

With the attached conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan.

Staff therefore recommends the Planning Commission recommend approval of the proposed SUP to the Board of Supervisors subject to the proposed conditions.

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**SPECIAL USE PERMIT-21-0013, 2631 Lake Powell Road, Tourist Home  
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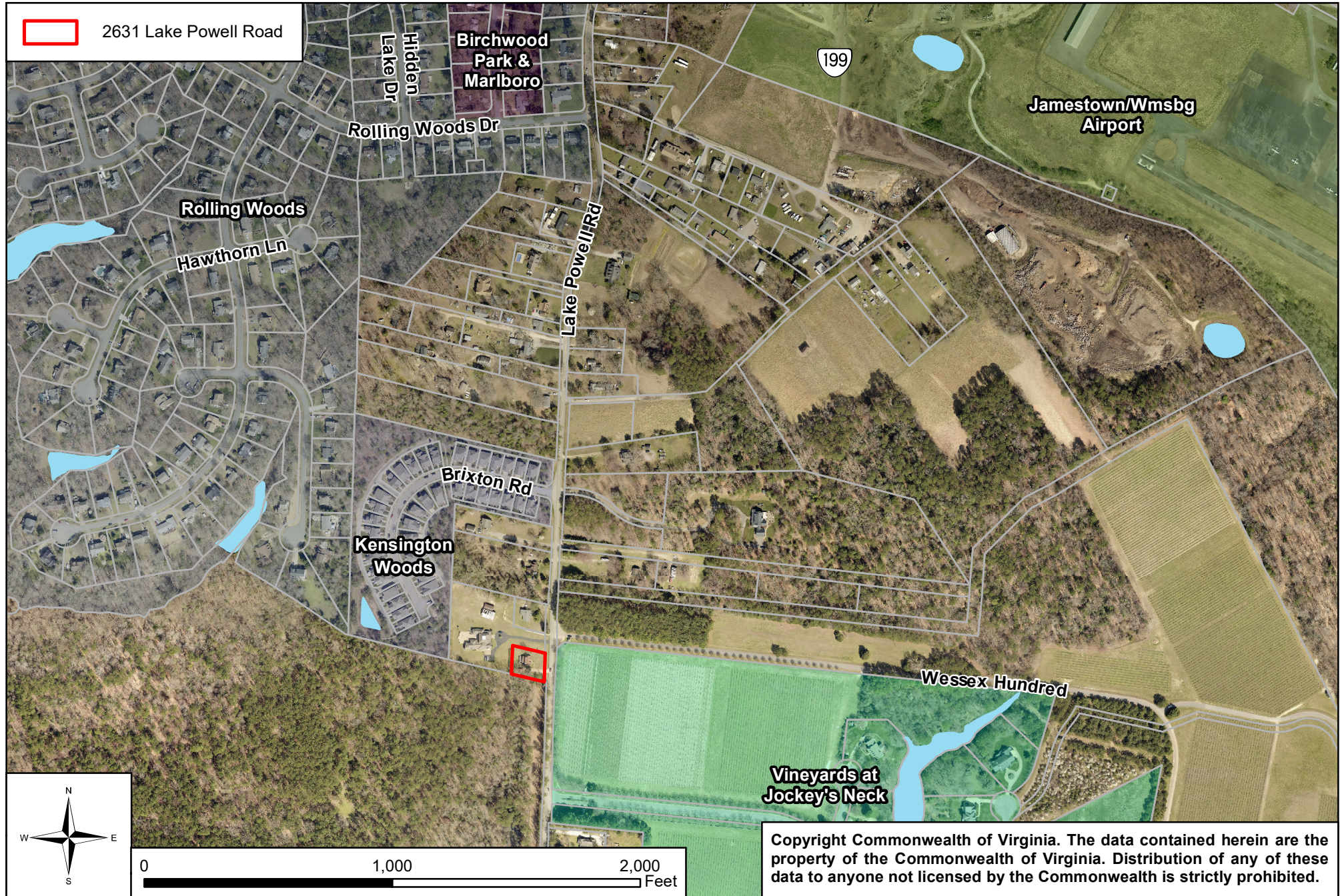
Attachments:

1. Location Map
2. Proposed SUP Conditions
3. Master Plan
4. Applicant Narrative

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# JCC SUP-21-0013, 2631 Lake Powell Rd, Tourist Home



PROPOSED CONDITIONS FOR CASE NO. SUP-21-0013.

2631 LAKE POWELL ROAD TOURIST HOME

1. Master Plan: This Special Use Permit (SUP) shall permit a tourist home on property located at 2631 Lake Powell Road and further identified as James City County (JCC) Real Estate Tax Map Parcel No. 4830100028 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-21-0013, 2631 Lake Powell Road, Tourist Home" and date stamped July 12, 2021 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement: Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of Rental Room Occupants: There shall be no more than three (3) bedrooms available for rent to visitors and no more than eight (8) rental occupants total at any one time.
4. Contracts per Rental Period: There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. Signage: No signage related to the use of the tourist home shall be permitted on the Property.
6. Parking: Off-site parking for this use shall be prohibited. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and trailers, associated with rental occupants of the tourist home shall be allowed to park on the Property.
7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP-21-0013

## JCC SUP-21-0013, 2631 Lake Powell Road, Tourist Home

### Property Information

4830100028  
Troy H. Lapetina Trustee  
2631 Lake Powell Road  
Williamsburg, VA 23185  
R2 General Residential  
Comp Plan: Low Density Residential  
Acres: .35

### General Notes

1. Site is served by public water and sewer.
2. Property is not located in a FEMA Flood zone.
3. Property does not contain Resource Protection Area.
4. Property has an existing driveway.
5. A minimum of three parking spots shall be provided (one parking spot per bedroom).

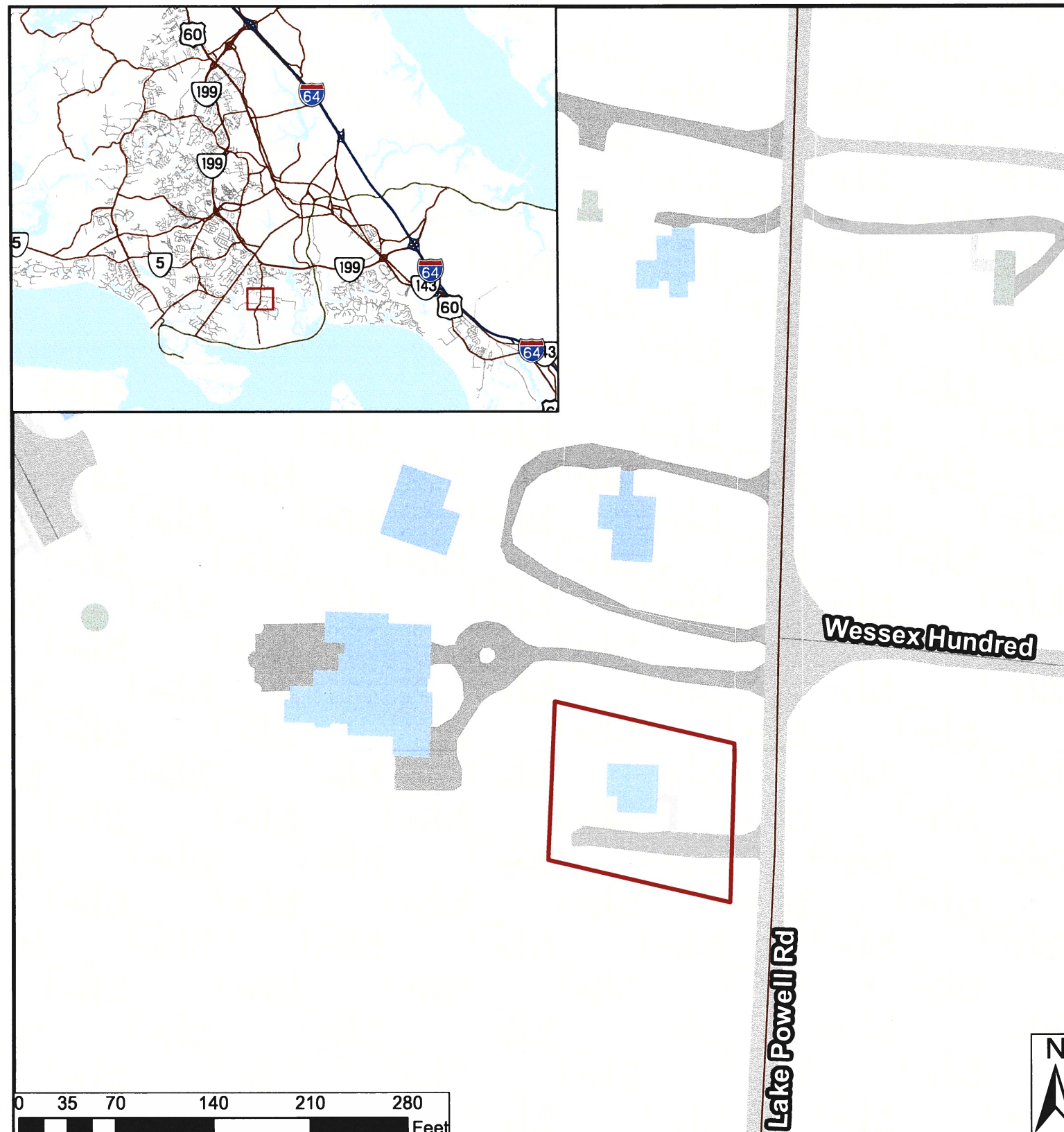
### Adjacent Properties

4830100026 Troy H. Lapetina Trustee 2635 Lake Powell Road Williamsburg, VA 23185 R2 General Residential	2320100028 Vineyards HOA Inc. 2630 Lake Powell Road Williamsburg, VA 23185 R1 Limited Residential
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4830100035  
James City County Bible and  
Agricultural Training SC  
2205 Treasure Island Road  
Williamsburg, VA 23185  
R8 Rural Residential

### Sheet Index

1. Cover Page
2. Location Map
3. Site Details



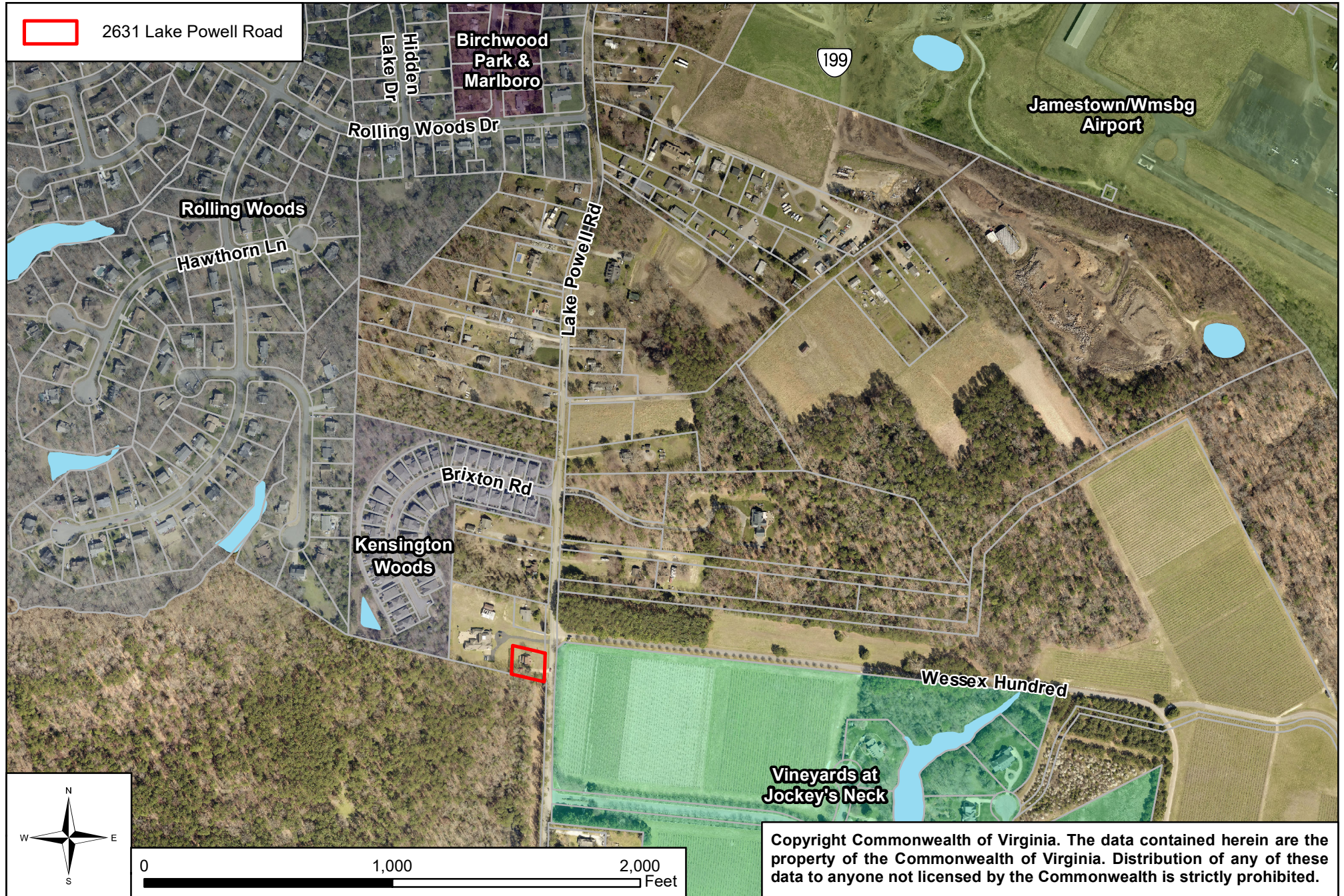
Maps Not To Scale

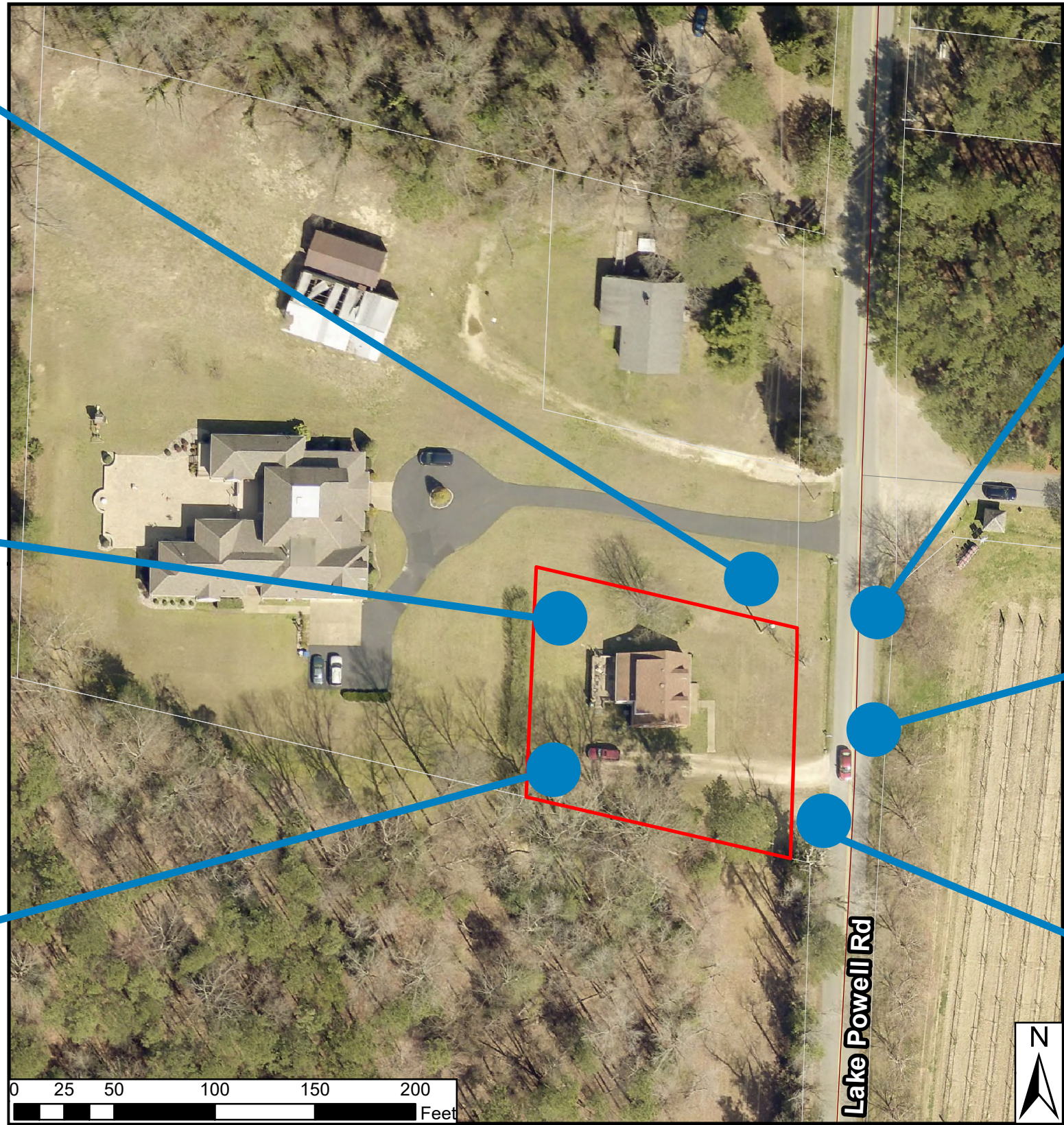
PLANNING DIVISION

JUL 12 2021

RECEIVED

# JCC SUP-21-0013, 2631 Lake Powell Rd, Tourist Home





## 2631 Lake Powell Road narrative

This home has been in our family for close to 4 decades, and we are excited to share its convenient location with visitors to the area! It's a 3 bedroom, 2 bath house that is ideal for families visiting any number of the local tourist attractions, for parents or extended family to make a weekend trip to visit their college student, or guests of the winery across the street or the airport just down the road. Given the size of the home, we can't expect any noticeable impact to noise, traffic, or other disruption to the surrounding area—which is heavily wooded to one side, and borders the owner's property on the other two sides.

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SUP-21-0015. Crosswalk Community Church Daycare and School

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	1. Location Map	Backup Material
▣	2. Proposed SUP Conditions	Backup Material
▣	3. Master Plan	Backup Material
▣	4. Community Impact Statement	Backup Material
▣	5. Public Facilities Report	Backup Material
▣	6. Temporary Classroom Trailer Elevations	Backup Material
▣	7. Permanent Modular Building Elevations	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:44 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:44 PM
Publication Management	Pobiak, Amanda	Approved	7/28/2021 - 2:57 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 4:00 PM

**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant: Mr. Caleb Hurst

Land Owner: Crosswalk Church Holdings LLC

Proposal: To allow: (1) the operation of a daycare and school pre-k – 8<sup>th</sup> grade; (2) the installation of two temporary classroom trailers for the 2021/2022 school year; (3) construction of a permanent modular building; and (4) continued operation of a place of public assembly.

Location: 5100 John Tyler Highway

Tax Map/Parcel No.: 4720100057

Property Acreage: ± 3.86 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: John Risinger, Planner

**PUBLIC HEARING DATES**

Planning Commission: August 4, 2021, 6:00 p.m.

Board of Supervisors: September 14, 2021, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed conditions, staff finds the proposal to be compatible with the surrounding zoning and development.
2. With the proposed conditions, staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
3. Impacts: See Impact Analysis on Pages 3-4.

**FACTORS UNFAVORABLE**

1. Impacts: See Impact Analysis on Pages 3-4.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of this application subject to the proposed conditions.

**PROJECT DESCRIPTION**

Mr. Caleb Hurst has applied for A Special Use Permit (SUP) for the operation of a daycare and school, placement of two temporary classroom trailers for school use, the construction of a permanent modular building and for the continued use as a place of public assembly at Crosswalk Community Church located at 5100 John Tyler Highway. SUPs are required for child daycare centers and schools in the R-1 Zoning District and are also required for temporary classroom trailers. Additionally, following the construction of the church, the R-1 Zoning District was amended in 1999 to require SUPs for churches making the church a legally nonconforming use. The proposal includes the place of public assembly use which would bring the church into conformance with the R-1 Zoning District.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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The proposed temporary classroom trailers will have a maximum capacity of 48 students. The temporary classroom trailers are expected to be installed for the 2021/2022 school year and will be removed following the end of the school year. The proposed permanent modular building is expected to be installed for the 2022/2023 school year.

General Business, and the La Fontaine Condominiums, zoned MU, Mixed Use.

**PLANNING AND ZONING HISTORY**

- The site plan application for the existing church building received final approval in 1996. At the time, churches were a by-right use in the R-1 Zoning District.
- In 1999, an amendment to the R-1 Zoning District was adopted by the Board of Supervisors, which included requiring SUPs for churches.
- In 2002, the Board of Supervisors approved Case No. SUP-0030-2001 to allow the operation of a preschool within the existing church building limited to an enrollment capacity of 200 students.
- In 2008, the Board of Supervisors approved Case No. SUP-0009-2008 to amend Case No. SUP-0030-2001 to allow the operation of an elementary school within the existing church building in addition to the preschool limited to a total enrollment capacity of 200 students.

**SURROUNDING ZONING AND DEVELOPMENT**

- Crosswalk Community Church is located on the western side of John Tyler Highway adjacent to the Jamestown Farms and Indigo Park subdivisions, which are, zoned R-1, Limited Residential. Nearby properties on the eastern side of John Tyler Highway include the Williamsburg Crossing Shopping Center, zoned B-1,

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**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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**IMPACT ANALYSIS**

<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposed uses on the property are not anticipated to exceed 100 peak hour trips.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- No bicycle or pedestrian facilities are required per the Adopted Regional Bikeways Map and Pedestrian Accommodation's Master Plan. - An existing sidewalk is provided along the west side of John Tyler Highway.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 1,000 feet from the proposed structures. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The property receives public water and sewer. - Proposed Condition No. 8 requires water conservation standards to be approved by the James City Service Authority prior to final site plan approval for the permanent modular building.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. Detailed stormwater management and design will be reviewed at the site plan stage.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> <li>- The attached proposed conditions are expected to mitigate impacts to adjacent properties.</li> <li>- Proposed Condition No. 5 requires transitional screening to be provided along the side and rear property lines.</li> <li>- Proposed Condition No. 6 requires new light fixtures to be full cutoff, limits the height of light poles to 15 feet, and prohibits any light trespass onto adjacent properties.</li> <li>- Proposed Condition No. 7 states that no exterior bell or sound system shall be audible from adjacent properties.</li> </ul>
<u>Community Character</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> <li>- The project is located along the Jamestown Road Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet.</li> <li>- Proposed Condition No. 8 requires any new signage for the child daycare center and school to be combined with the existing signage for the church.</li> </ul>
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that they are not aware of any covenants or restrictions on the property that prohibit the proposed use.

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**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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**2035 COMPREHENSIVE PLAN**

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map. All properties west of John Tyler Highway in this area are designated Low Density Residential. Properties east of John Tyler Highway are designated Mixed Use. Appropriate primary uses recommended by the Comprehensive Plan for Low Density Residential include single-family homes, multifamily units, accessory units, and cluster housing. Other uses including schools, places of public assembly, very limited commercial, and community-oriented facilities may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area.

*Staff finds that the proposal complements the residential character of the area.*

- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses.

*Traffic is anticipated to be typical of a community facility, and the peak levels of traffic would be generated at drop-off and pick-up times. The proposed conditions mitigate potential noise, light, and similar impacts.*

- Generally be located on collector or arterial roads at intersections.

*This property is located on and takes access from John Tyler Highway. John Tyler Highway is classified by the Virginia Department of Transportation as a minor arterial road and is located near intersections with Kings Way and Route 199.*

- Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature.

*This property is located between the Williamsburg Crossing Shopping Center and adjacent residential areas. The intensity of the child daycare center and school uses are expected to be between the level of intensities of nearby commercial uses and the adjacent residential area.*

- Provide adequate screening and buffering to protect the character of nearby residential areas.

*Condition No. 5 requires transitional screening to be provided along the side and rear property lines to provide screening of the proposed structures and the adjacent residential areas.*

- Generally intended to support the residential area in which they are located.

*The proposed child daycare center and school provide educational and child care resources to the Williamsburg area including the surrounding residential area.*

John Tyler Highway is identified as a CCC. The proposed structures are located outside of the CCC and there are no proposed impacts to the existing CCC with this application.

Staff finds that the proposal meets the following Comprehensive Plan goals:

Population Needs

PN 2.1 - Ensure that children and youth have adequate and safe facilities where they may participate in programs and services,

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**SPECIAL USE PERMIT-21-0015. Crosswalk Community Church Daycare and School  
Staff Report for the August 4, 2021, Planning Commission Public Hearing**

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including child care, and where appropriate, home-based child care businesses.

PN 2.4 - Encourage and promote additional safe and licensed child care businesses, including home-based child care, near adequate and accessible transportation routes.

**PROPOSED SUP CONDITIONS**

The proposed SUP conditions will replace Case No. SUP-0009-2008 to allow the child daycare and school use to be located as shown on the submitted master plan and to avoid potential conflicts. The full text of the proposed conditions are provided in Attachment No. 1.

**STAFF RECOMMENDATION**

With the attached conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan.

Staff therefore recommends the Planning Commission recommend approval of the proposed SUP to the Board of Supervisors subject to the proposed conditions.

JR/md  
SUP21-15Crsswlkdaycare

**Attachments:**

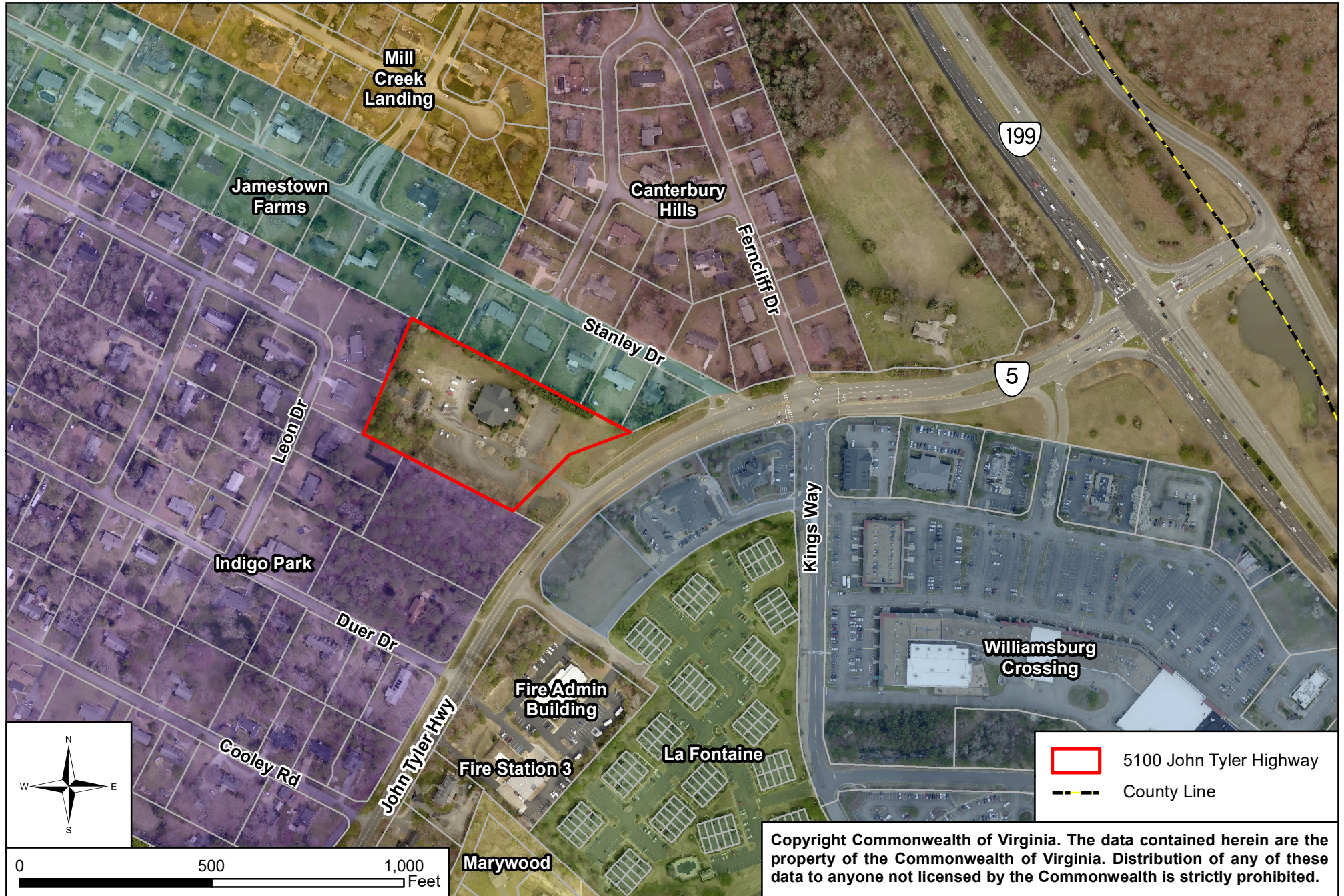
1. Location Map
2. Proposed SUP Conditions
3. Master Plan
4. Community Impact Statement

5. Public Facilities Report
6. Temporary Classroom Trailer Elevations
7. Permanent Modular Building Elevation

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

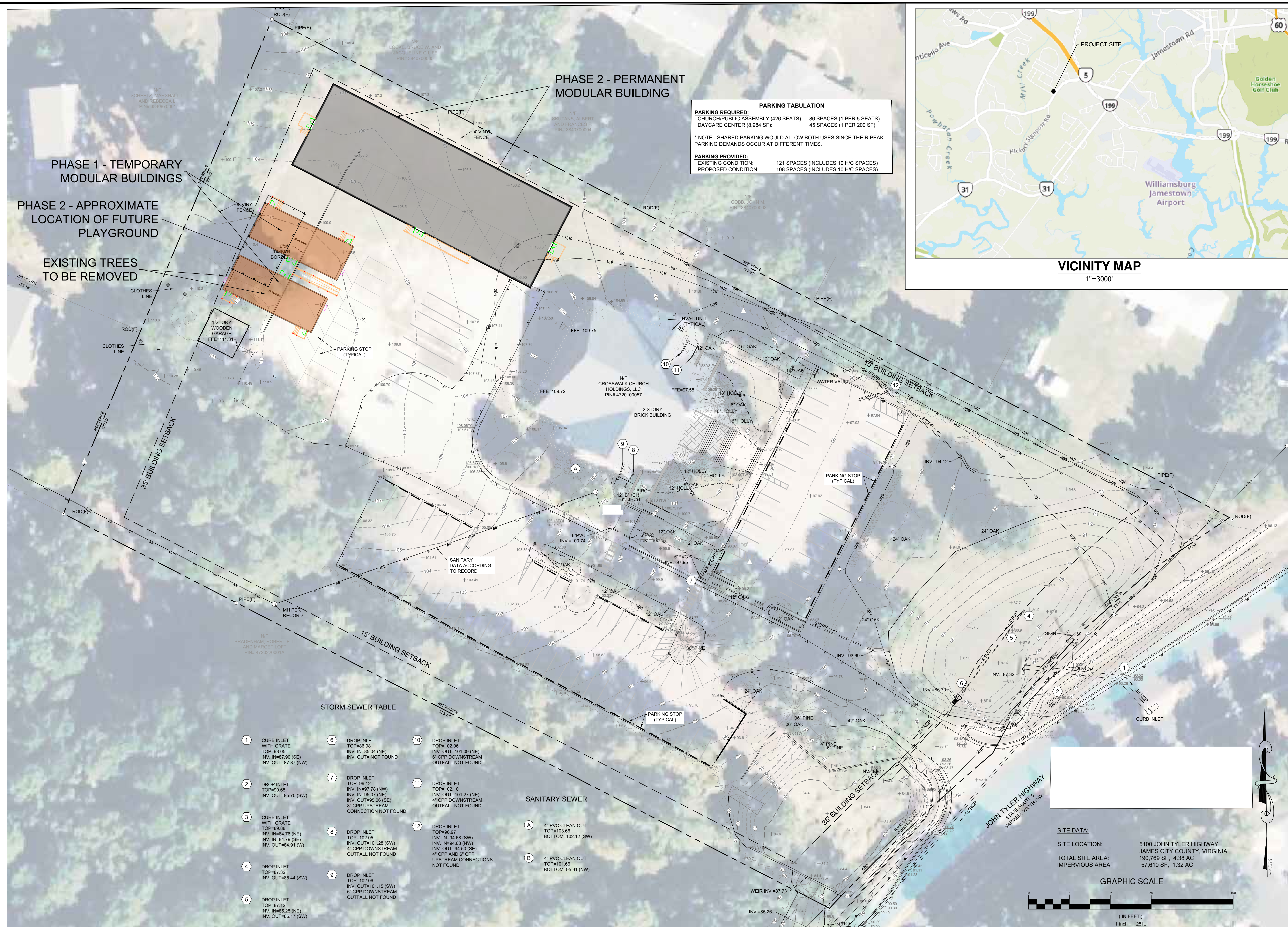
# JCC SUP-21-0015, Crosswalk Community Church Daycare and School




**Proposed SUP conditions for SUP-21-0015, Crosswalk Community Church Daycare  
and School**

1. **Master Plan.** This SUP shall apply to property located at 5100 John Tyler Highway, which is further identified as James City County Real Estate Tax Map Parcel No. 4720100057 (the “Property”). The SUP shall be valid for a place of public assembly, school, child day care center, and two temporary classroom trailers (the “Project”). All final development plans for the Project shall be consistent with the master plan entitled, “Crosswalk Church – Modular Structures” prepared by Draper Aden Associated and dated July 27, 2021 (the “Master Plan”) as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Validity of Temporary Classroom Trailers.** The SUP for temporary classroom trailers on the Property shall be valid until September 1, 2022.
3. **Hours of Operation.** The child day care center and school shall be limited to hours of operation from 7:00 a.m. to 6:00 p.m, Monday - Friday.
4. **Enrollment.** Enrollment of the child day care center and school shall be limited to 200 children, grades Pre-K through 8. On or before July 1 of each year, the Zoning Administrator shall be provided with actual school enrollment data for the previous school year and projected school enrollment data for the upcoming school year. The school enrollment data shall include the total number of children enrolled, the number of children per grade and the number of staff employed.
5. **Landscape Plan.** A landscaping plan shall be reviewed and approved by the Director of Planning prior to final site plan approval for the permanent modular building or playground. Transitional screening shall be provided along the side and rear property lines in accordance with Section 24-100, Screening, of the Zoning Ordinance.
6. **Exterior Lighting.** Any new exterior lighting shall be shown on a lighting plan to be reviewed and approved by the Director of Planning. New exterior light fixtures shall be recessed fixtures with no bulb, lens or globe extending below the casing. Any new pole mounted light fixtures shall not exceed 15 feet in height. No light trespass, defined as 0.1 footcandles or higher, shall extend across the side or rear property lines.

7. **Outdoor Noise.** No exterior bell or sound system associated with the school or daycare or temporary classroom trailer(s) shall be audible from adjacent properties. The intent of the condition is not to limit bells typically associated with the place of public assembly.
8. **Signage.** Any new exterior signage advertising the child day care center and school shall be combined with existing signage for the place of public assembly.
9. **Water Conservation.** Water conservation standards shall be enforced on the Property through an agreement with the James City Service Authority (JCSA). The standards shall be approved by the JCSA General Manager prior to site plan approval for the permanent modular building and may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Any changes shall be submitted to and approved by the JCSA.
10. **Commencement of Construction.** A Final Certificate of Occupancy for the permanent modular buildings shown on the Master Plan shall be obtained within 36 months from the date of approval of this SUP, or this SUP shall automatically be void.
11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



NOT FOR  
CONSTRUCTION

 **Draper Aden Associates**  
*Engineering • Surveying • Environmental Services*

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2 BayPort Way, Suite 120  
Newport News, VA 23606  
757-593-9899  
www.daa.com

- Richmond, VA
- Fayetteville, NC
- Blacksburg, VA
- Northern Virginia
- Charlottesville, VA
- Virginia Beach, VA

CONCEPTUAL SITE LAYOUT PLAN

CROSSWALK CHURCH - MODULAR STRUCTURES

51100 JOHN TYLER HIGHWAY  
JAMES CITY COUNTY, VIRGINIA

REVISIONS	
DESIGNED BY:	TSE
DRAWN BY:	TSE
CHECKED BY:	MCH
SCALE:	1" = 25'
DATE:	JULY 27, 2021
PROJECT NUMBER:	2100438
C1100	

# **Community Impact Statement for CROSSWALK COMMUNITY CHURCH**

**5100 John Tyler Highway  
Williamsburg, Virginia**

Submittal: June 14, 2021

Revised: July 27, 2021

Prepared for  
Crosswalk Community Church

Prepared by  
Draper Aden Associates  
2 Bayport Way, Suite 120  
Newport News, VA 23606

DAA Project Number: 2100438



**Draper Aden Associates**  
*Engineering • Surveying • Environmental Services*

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## **1.1 INTRODUCTION / PROJECT DESCRIPTION**

Crosswalk Community Church is applying for a Special Use Permit (SUP) for their property located at 5100 John Tyler Highway, also identified as parcel ID number 4720100057. The parcel area is approximately 3.86 acres and is currently developed with an existing church building, parking areas, and an accessory structure. The parcel is zoned R-1 Limited Residential; is designated as Low Density Residential in the Comprehensive Plan, and is located within the Primary Service Area (PSA). There were two former Special Use Permits (SUPs) associated with the parcel (SUP 0030-2001 and SUP-0009-2008) for a pre-school and a school, but neither of these SUPs are valid anymore. The existing use of the church is a place of public assembly.

The purpose of this SUP application is to request authorization of both a child day care center and school uses within proposed modular buildings on the property; along with allowing the church to operate as a place of public assembly. The proposed temporary (Phase 1) and permanent (Phase 2) modular buildings will be used as day care and pre-school for Greenwood Christian Academy. The temporary modular buildings will have a capacity of 48 students; and the permanent modular building will have a maximum capacity of 132 students. The temporary modular buildings are anticipated for the 2021/2022 school year and will be used for elementary school classroom use. These buildings will be removed when the permanent modular building is in place and functional, expected for the beginning of the 2022/2023 school year. The permanent modular building will be used for child day care center use, anticipated for ages 2-years old through kindergarten.

The existing church building will continue to operate as a place of public assembly. No improvements to the existing building are proposed as part of this SUP application.

This Community Impact Statement (CIS) describes the probable effects of the proposed development upon the community regarding infrastructure and quality of life.

## **1.2 TRAFFIC IMPACT ANALYSIS**

A traffic impact analysis is not required since this project is expected to generate slightly more than 100 weekday peak hour trips to and from the site during the hours of operation. The

Institute of Transportation Engineers (ITE) Vehicle Trip Generation for Day Care Center (Section 565), School (Section 534), and Church (Section 560) were used to determine the increase in weekday peak hour vehicle trips per day. The temporary modular building space will be utilized for elementary school use and the permanent modular building will be utilized for day care use, so each scenario was evaluated based on the occupancy of 48 students in the school and the maximum occupancy of 132 students in the child daycare center. The child daycare center will increase vehicle trips by 104 weekday peak hour trips (103 AM peak hour and 104 PM peak hour); and the school will increase vehicle trips by a maximum of 44 weekday peak hour trips (44 AM peak hour and 13 PM peak hour). Therefore, the child daycare center value of 104 weekday peak hour vehicle trips will be used to anticipate increased traffic. Although the existing church does not have any weekday trips since staff work at a different location on weekdays, the ITE vehicle trip generation for the existing church shows weekday peak hour trips of approximately 13 vehicles (4 AM peak hour and 13 PM peak hour). This results in total weekday peak hour trips of 104 trips. The roadway Level of Service appears to be Level of Service "B" or "C", but unable to determine definitively. Site does not appear to be Level D based on 11,000 ADT or roughly 1,100 vehicles per hour.

### **1.3 Analysis of Parking for Shared Parking Use**

Shared parking would allow multiple uses to use the same parking lot since the peak parking times occur at different times for the various uses. The existing parking lot has 121 parking spaces. The developed condition will result in a loss of 13 spaces, for a total of 108 parking spaces. The Zoning Ordinance requires 1 parking space for every 5 seats for public assembly or church uses. However, the Zoning Ordinance does not list parking requirements for a child daycare center or for a school, so the following assumptions were made based on other local parking requirements: child daycare center – 1 space per 200 SF; School – 2.5 spaces per classroom.

The following tables show the required parking for the various uses during a typical peak week:

#### Temporary Phase 1 – Church and School Uses

Phase 1	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Church	86	0	0	0	0	0	0
School	0	10	10	10	10	10	0

#### Permanent Phase 2 – Church and Daycare Center Uses

Phase 2	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Church	86	0	0	0	0	0	0
Daycare	0	45	45	45	45	45	0

Therefore, the total anticipated peak parking for any day is 86 spaces, which is below the 108 parking spaces provided.

### **1.4 WATER AND SEWER IMPACT STUDY**

The additional development will increase anticipated average daily flow by approximately 1,320 gallons per day, based on the 132 students that will be utilizing the new modular buildings. This is based on the AWWA and JCSA requirement of 10 gallons per day per student, resulting in additional 1,320 gallons per day. Therefore, since the anticipated average daily flow is less than 15,500 gallons, a water and sewer impact study is not required.

### **1.5 ENVIRONMENTAL CONSTRAINTS ANALYSIS**

The project site is currently developed with minimal environmental constraints. See attached Environmental Constraints Analysis with more details regarding hydrologic, soils, and physical features.

### **1.6 ADEQUATE PUBLIC FACILITIES REPORT**

See attached adequate public facilities report describing how existing sewer, water, schools, fire stations, and libraries will have little to no impact as a result of this project.

#### **1.7 ADDITIONAL ON-SITE AND OFF-SITE PUBLIC FACILITIES OR SERVICES**

No additional on-site or off-site public facilities or services will be required as a result of the development.

#### **1.8 PHASE IA ARCHAEOLOGICAL STUDY**

A phase IA archaeological study is not required since the property is not identified as being an ultra- or highly-sensitive area on the James City County archaeological assessment.

#### **1.9 PRELIMINARY NATURAL RESOURCE INVENTORY**

A preliminary natural resource inventory is not required since the property is not identified as being in a B1, B2, or B3 area, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program.

#### **1.10 FISCAL IMPACT ANALYSIS**

A fiscal impact analysis is not required since the project does not include residential dwelling units.

#### **1.11 PARKS AND RECREATION INFORMATION**

Parks and recreation improvements are not proposed since there are no new dwelling units as part of the project.

# **Public Facilities Report for CROSSWALK COMMUNITY CHURCH**

**5100 John Tyler Highway  
Williamsburg, Virginia**

Submittal: June 14, 2021

Revised: July 27, 2021

Prepared for  
Crosswalk Community Church

Prepared by  
Draper Aden Associates  
2 Bayport Way, Suite 120  
Newport News, VA 23606

DAA Project Number: 2100438



**Draper Aden Associates**  
*Engineering • Surveying • Environmental Services*

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## **1.1 INTRODUCTION / PROJECT DESCRIPTION**

Crosswalk Community Church is applying for a Special Use Permit (SUP) for their property located at 5100 John Tyler Highway, also identified as parcel ID number 4720100057. The parcel area is approximately 3.86 acres and is currently developed with an existing church building, parking areas, and an accessory structure. The parcel is zoned R-1 Limited Residential; is designated as Low Density Residential in the Comprehensive Plan, and is located within the Primary Service Area (PSA). There were two former Special Use Permits (SUPs) associated with the parcel (SUP 0030-2001 and SUP-0009-2008) for a pre-school and a school, but neither of these SUPs are valid anymore. This narrative describes the existing public facilities that serve the site.

## **1.2 ROADS**

The site is accessible from John Tyler Highway (US Route 5). John Tyler Highway is classified as "Minor Arterial" by VDOT's Functional Classification on LRS 20.1 Web Map. The posted speed limit at the site is 35 MPH. The existing roadway transitions from a 2-lane divided roadway to a 2-lane undivided roadway along the site frontage. John Tyler Highway is a 4-lane divided roadway further to the east at intersections with Stanley Drive and Kings Way, and extending to the intersection with Humelsine Parkway (US Route 199). The existing site access is along the undivided portion of the roadway. No additional access points will be added as part of the new development. No improvements to the existing entrance are anticipated.

## **1.3 WATER AND SEWER**

The site is located within the James City County Primary Service Area. Public water and sewer are available to the site and are provided to the site. Water connects to an existing line in John Tyler Highway. Additional anticipated flows for the additional modular buildings will increase by approximately 1,320 GPD based on AWWA M22 sizing calculations for 132 student capacity.

## **1.4 SCHOOLS**

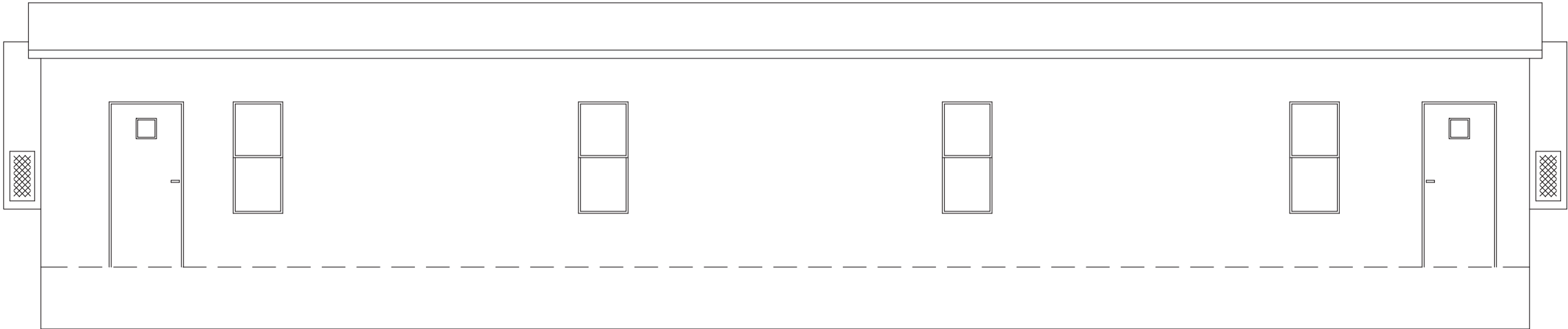
The site is in the school district for Matthew Whaley Elementary School, Berkeley Middle School, and Lafayette High School. The proposed SUP will not generate any additional school-age children within these school districts and will not have any adverse impact on the existing school system capacity.

## **1.5 FIRE STATIONS**

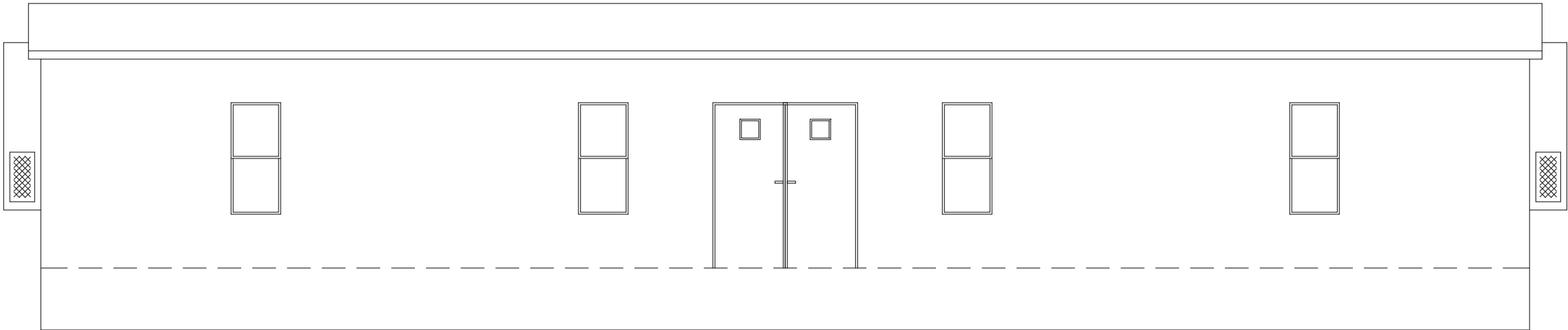
Fire and Emergency Services are provided to the site by the James City County Fire Station #3, located within ¼ mile of the site at 5077 John Tyler Highway.

## **1.6 LIBRARIES**

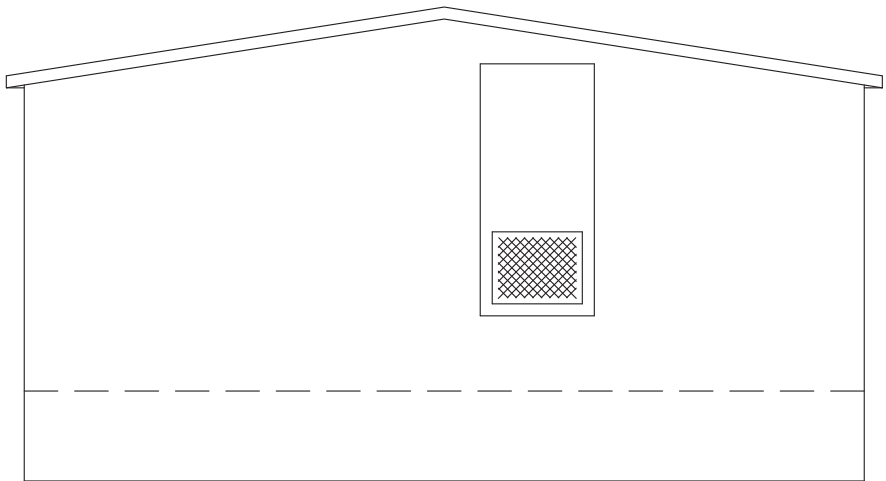
The John D. Rockefeller Jr. Library is located approximately 5 miles away from the site, at 313 1<sup>st</sup> Street in Williamsburg. No additional dwelling units are proposed as a part of this project, which results in no additional demand for library services.



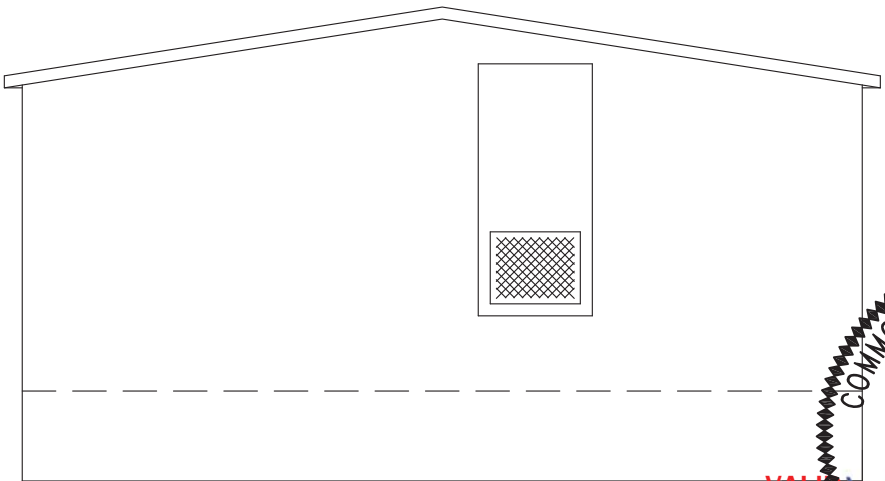
FRONT ELEVATION



REAR ELEVATION

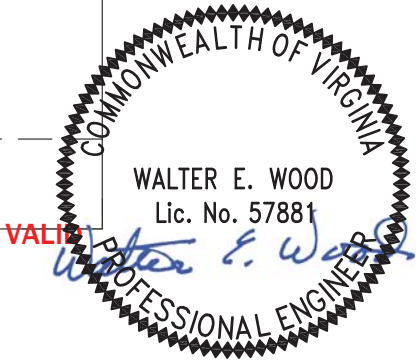


LEFT ELEVATION



RIGHT ELEVATION

6" OVERHANG  
ALL SIDES



June 3, 2021

- TYPICAL ELEVATION NOTES:
1. ALL SITE INSTALLED ITEMS ARE SUBJECT TO THE APPROVAL OF THE JURISDICTION HAVING AUTHORITY.
  2. ACCESSIBLE RAMP(S), STAIR(S), AND HANDRAILS ARE DESIGNED BY OTHERS AND SITE INSTALLED.
  3. FOUNDATION ENCLOSURE (IF PROVIDED) IS DESIGNED BY OTHERS AND SITE INSTALLED. ENCLOSURE MUST HAVE A MINIMUM NET AREA OF VENTILATION OPENINGS OF NOT LESS THAN ONE SQUARE FOOT FOR EACH 150 SQUARE FEET OF CRAWL SPACE AREA. LOCATE OPENINGS TO PROVIDE CROSS VENTILATION OF ENTIRE CRAWL SPACE. INSTALL AN 18" X 24" MINIMUM OPENING FOR CRAWL SPACE ACCESS.
  4. SEE MECHANICAL NOTES AND/OR CROSS SECTION FOR METHOD OF ATTIC VENTILATION.

DESIGN SPACE, INC.			
91 HARVEY VICKERS RD., DOUGLAS, GA. 31533		CLINCH COUNTY IND. PARK HOMERVILLE, GA. 31634	
		1110 IND. PARK RD. McRAE, GA. 31055	
DATE: 11/16/2009		REVISIONS:	<b>W.E.W.</b> WALTER E. WOOD, P.E. CONSULTING ENGINEER 168 WEST LONGLEAF DR SYLVESTER, GA 31791 VA PE LIC #23402057881
SCALE: 1/8" = 1'-0"			
CODES: SEE SUMMARY			
LABELS: VA			
DSI 18582-83 A/B 24' X 60' EDUCATIONAL			SHEET  3 OF 5
ELEVATIONS			

DAYCARE USE BLDG. CONCEPT w/FRONT ELEVATION  
ATTACHMENT L1 REV. 7/7/2021



FRONT ELEVATION

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: Tori Haynes, Senior Planner

SUBJECT: Z-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Exhibit
▣	Attachment 2. Proposed Master Plan	Backup Material
▣	Attachment 3. Proposed Building Elevations	Backup Material
▣	Attachment 4. Proposed Proffers	Backup Material
▣	Attachment 5. Community Impact Statement	Backup Material
▣	Attachment 6. Turn Lane Analysis	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/28/2021 - 12:56 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:10 PM
Publication Management	Daniel, Martha	Approved	7/28/2021 - 2:32 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:44 PM

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**REZONING-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)**

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**Staff Report for the August 4, 2021, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant: Mr. Vernon Geddy, III, on behalf of Mr. Conor Halfpenny

Land Owner: ALLMAR, LLC

Proposal: Rezoning of approximately 3.4 acres from LB, Limited Business and B-1, General Business to B-1, General Business, with Proffers for a small-scale brewery and taproom

Locations: 1826 Jamestown Road  
259 Sandy Bay Road

Tax Map/Parcel Nos.: 4730100003  
4730100002

Zoning: B-1, General Business  
LB, Limited Business

Project Acreage: The two parcels together total ±3.4 acres

Comprehensive Plan: Neighborhood Commercial

Primary Service Area: Inside

Staff Contact: Tori Haynes, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 4, 2021, 6:00 p.m.

Board of Supervisors: September 14, 2021, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. Existing entrances will be consolidated to improve access management and will also be improved to current Virginia Department of Transportation standards.
2. The 50-foot Community Character Corridor (CCC) landscape buffer will be established along Jamestown Road.
3. The applicant has proffered to provide updated turn lane warrants should there be a future building or parking expansion.
4. The applicant has proffered to restrict access from Sandy Bay Road.
5. The applicant has proffered to complete water conservation standards to be approved by the James City Service Authority (JCSA).
6. To mitigate potential impacts to adjacent properties and Jamestown Road, the applicant has proffered to limit otherwise by-right B-1 uses to be more consistent with the LB Zoning District.
7. Improvements are proposed to the existing building, to be consistent with the attached elevations.
8. The applicant proposes to reduce impervious cover on the site as part of the redevelopment proposal.
9. As recommended by the Comprehensive Plan, this proposal represents infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings.
10. Staff finds the proposal to be consistent with both the adopted 2035 Comprehensive Plan and draft 2045 Comprehensive Plan.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## **REZONING-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)**

### **Staff Report for the August 4, 2021, Planning Commission Public Hearing**

11. With the voluntary proffers, staff finds that the proposal will not negatively impact surrounding development.

12. Impacts: See Impact Analysis on Pages 3-4.

#### **FACTORS UNFAVORABLE**

1. Impacts: See Impact Analysis on Pages 3-4.

#### **SUMMARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the application and acceptance of the voluntary proffers to the Board of Supervisors.

#### **PROJECT DESCRIPTION**

Mr. Vernon Geddy has applied on behalf of Mr. Conor Halfpenny to rezone approximately 3.4 acres of land located at 1826 Jamestown Road and 259 Sandy Bay Road. The proposed use is a small-scale brewery with a taproom and coffee shop, which will be known as Frothy Moon Brewhouse.

About half of the existing ±5,000-square-foot (SF) building located at 1826 Jamestown Road will contain the brewing and production facilities. The other half will house a taproom/coffee shop/retail area, along with offices and storage. Meal options will be provided by a third-party food truck on-site. Two building additions are planned for a commercial cooler room (±500 to 750 SF) and boiler room (±140 SF). The outdoor area located at 259 Sandy Bay Road includes an existing patio and open-air roofed structure, which will be used as a patron space with seating and outdoor game areas. The boundary line between these parcels will be extinguished to create one cohesive site.

The proposal includes improvements to the 50-foot CCC buffer along Jamestown Road and consolidation of the existing entrances to better manage traffic flow. As depicted on the Master Plan, the western

entrance will be closed, the central entrance will provide general public access, and the eastern entrance will be used for deliveries and emergency vehicles. A shared parking agreement with the adjacent property, 1820 Jamestown Road, is proposed as an overflow parking option.

#### **PLANNING AND ZONING HISTORY**

Prior to the current proposal, the property was the site of Cooke's Gardens. In 2005, a variance was granted by the Board of Zoning Appeals to reduce the front setback from 50 feet to 0 feet from the right-of-way for the construction of a building addition and trellis. Since then, the building addition and trellis have been demolished.

#### **SURROUNDING ZONING AND DEVELOPMENT**

North:	LB, Limited Business PL, Public Lands
Northwest:	R-2, General Residential
West:	Powhatan Creek R-2, General Residential
South:	R-8, Rural Residential
East:	B-1, General Business

The subject property is located across the street from Powhatan Creek Park to the north and adjacent to Powhatan Creek to the west. On the other side of Powhatan Creek are parcels zoned R-2, General Residential; staff notes that the parcels closest to the proposed site are undevelopable and will not contain residential units. Parcels to the south are zoned R-8, Rural Residential. Four R-8 parcels currently have single-family homes (one adjacent, three nearby). Parcels to the east are zoned B-1, General Business.

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**REZONING-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)****Staff Report for the August 4, 2021, Planning Commission Public Hearing****IMPACT ANALYSIS**

<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	<ul style="list-style-type: none"><li>- The proposal is not anticipated to generate traffic exceeding 100 peak hour trips.</li><li>- The submitted traffic analysis indicates that the proposal does not warrant turn lanes at this time.</li><li>- The applicant has proffered assurances to provide additional turn lane warrants should there be an expansion of the building or parking that could generate additional traffic.</li><li>- Of the three existing entrances, the western entrance will be closed, the central entrance will provide general public access, and the eastern entrance will be used for deliveries and emergency vehicles only.</li><li>- The applicant has proffered to restrict access from Sandy Bay Road.</li></ul>
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The proposal does not trigger additional requirements for pedestrian or bicycle facilities at this location.</li></ul>
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- Located within a six-minute radius of Fire Station 3.</li><li>- The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.</li></ul>
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The proposal does not generate impacts that require mitigation to the County's public schools.</li></ul>
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.</li></ul>
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.</li></ul>
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	<ul style="list-style-type: none"><li>- The applicant has proffered assurances to develop water conservation standards to be approved by JCSA.</li></ul>

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**REZONING-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)****Staff Report for the August 4, 2021, Planning Commission Public Hearing**

<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The western portion of the site is located in the Flood Hazard Area and Resource Protection Area (RPA). The portion in the Flood Hazard Area is currently vegetated and undisturbed. The RPA covers both disturbed and undisturbed areas.</li><li>- The project does not propose additional disturbance in the undisturbed portions of the Flood Hazard Area or RPA. Should this change, staff can require additional natural resource inventories and/or stormwater mitigation during development review.</li><li>- The amount of existing impervious cover on the site is proposed to be reduced as part of the redevelopment proposal.</li><li>- Stormwater and Resource Protection has reviewed the proposal and noted that refinements to the stormwater design may be necessary during development review.</li></ul>
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"><li>- The subject property has been previously disturbed and has no known cultural resources on-site.</li><li>- The project does not propose additional disturbance in areas that are currently vegetated/undisturbed. Should this change, staff can require a cultural resource survey during site plan review.</li></ul>
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none"><li>- The proposed rear transitional buffer exceeds to the required minimum of 35 feet (up to 60 feet provided).</li><li>- The Noise Ordinance limits noise after 9:00 p.m.</li><li>- The proposal is not anticipated to generate impacts requiring additional mitigation for noise or light.</li></ul>
<u>Community Character</u>	<u>Mitigated</u>	<ul style="list-style-type: none"><li>- This segment of Jamestown Road is designated as a Wooded Community Character Corridor.</li><li>- The proposed access improvements will include a landscape buffer of 50 feet with a planting plan in accordance with the Landscape Ordinance and consistent with the CCC Buffer Treatment Guidelines.</li><li>- Elevations for the existing building's façade have been provided, with final approval to be granted by the Planning Director during site plan review.</li></ul>

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## **REZONING-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)**

### **Staff Report for the August 4, 2021, Planning Commission Public Hearing**

#### **2035 AND 2045 COMPREHENSIVE PLANS**

The property is designated Neighborhood Commercial on both the adopted 2035 Comprehensive Plan Land Use Map and the proposed 2045 Comprehensive Plan Land Use Map. In both versions, recommended uses for Neighborhood Commercial include small restaurants, small service establishments, offices, branch banks, day care centers, places of public assembly, and convenience stores with limited hours of operation. Recommended Floor Area Ratio (FAR) is 0.2 maximum.

Staff finds that a small-scale brewery and taproom would be consistent with the recommended uses of small restaurants and similar establishments. The existing building is within the recommended FAR at 0.03. Staff also finds that the following Goals, Strategies, and Actions (GSAs) are relevant to this proposal:

#### Land Use

2035 LU 4.5, 2045 LU 3.5 - Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.

#### Economic Development

2035 ED 5 - Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

2045 ED 4 - Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings that efficiently uses infrastructure and natural resources, as well as establishes or enhances the area's sense of place and community character.

2035 ED 5.3, 2045 ED 4.2 - Encourage new development and redevelopment of non-residential uses to occur mainly in areas where

public utilities are either available or accessible within the PSA and infrastructure is supportive.

2035 ED 6.5, 2045 ED 6.5 - Support tourism initiatives that promote the Historic Triangle as an arts destination, including cultural and culinary activities.

#### **STAFF RECOMMENDATION**

Staff finds that the proposed rezoning will not negatively impact surrounding development. Proffers submitted by the applicant mitigate impacts generated by the proposal, and allow staff to reevaluate traffic and turn lane warrants should there be an expansion in the future. The redevelopment of the parcel for a brewery and taproom is consistent with the 2035 and 2045 Comprehensive Plans' recommended uses and GSAs.

Staff recommends that the Planning Commission recommend approval of the application and acceptance of the voluntary proffers to the Board of Supervisors.

TH/ap  
RZ21-13townrd-SBayRd

#### Attachments:

1. Location Map
2. Proposed Master Plan
3. Proposed Building Elevations
4. Proposed Proffers
5. Community Impact Statement
6. Turn Lane Analysis

JCC Z-21-0013

# 1826 Jamestown Rd. and 259 Sandy Bay Rd. Rezoning





SCALE: 1"=2000

COPYRIGHT GOOGLE 2021

PROPERTY ADDRESSES	1826 JAMESTOWN ROAD / 259 SANDY BAY ROAD
PARCEL NUMBERS	4730100003 / 4730100002
TOTAL SITE AREA	3.4± AC
ZONING (#4730100003)	BI (GENERAL BUSINESS)
ZONING (#4730100002)	LB (LIMITED BUSINESS)
FRONT YARD SETBACK	50'
REAR YARD SETBACK	50'
SIDE (EAST) YARD SETBACK	20'
SIDE (WEST) YARD SETBACK	50'
CURRENT USE	VACANT PROPERTY
PROPOSED USE	LIGHT INDUSTRIAL / WAREHOUSE – MICROBREWERY
WATER	PUBLIC (JAMES CITY SERVICE AUTHORITY)
SEWER	PUBLIC (JAMES CITY SERVICE AUTHORITY)
VAHUC5 HUC8	JL-G (JAMES RIVER – POWHATAN CREEK) 02080206 (LOWER JAMES)
FLOOD	ZONES AE, 0.2% ANNUAL CHANCE & X (F.I.R.M. #51095C0182D DATED 12/16/2015) (PROJECT AREA LIES ONLY IN ZONE X)

<b>PROPOSED DISTURBED AREA</b>	<b>1.4 AC.</b>
ON-SITE DISTURBANCE	1.15 AC.
OFF-SITE DISTURBANCE (ROUTE 31 R/W)	0.25 AC.

IMPERVIOUS SURFACES	1.3 AC. (92.8%)
MANAGED TURF	0.10 AC. (7.2%)

IMPERVIOUS SURFACES	0.9 AC. (64.3%)
MANAGED TURF	0.5 AC. (35.7%)

FOOTPRINT	4,440 S.F.
NO. OF FLOORS	1

<b>REQUIRED PARKING</b>	1 SPACE PER 2 EMPLOYEES ON LARGEST SHIFT 6 EMPLOYEES / 2 = 3 SPACES 1 SPACE PER 4 SEATS 44 INSIDE SEATING = 11 SPACES 4 SPACES PER 1,000 SF PATIO ENTERTAINMENT AREA APPROX. 11,500 SF = 46 SPACES
<b>TOTAL REQUIRED PARKING = 60 SPACES (see note 3)</b>	

PROVIDED PARKING (OFF-SITE)

3 (1 VAN ACCESSIBLE)

4 (ALL VAN ACCESSIBLE)

1 (10' x 30')

1 (10' x 30')

1. AREAS NOTED AS "EXISTING IMPROVEMENTS TO BE REMOVED" ARE TO BE CONVERTED TO LANDSCAPING AND/OR STORMWATER RELATED DESIGN.
2. POTENTIAL STORMWATER MANAGEMENT FACILITIES MAY BE INCLUDED IN THE FINAL DESIGN.
3. A REQUEST TO UTILIZE 44 SPACES (23 ONSITE, 21 OFFSITE) TO BE SUBMITTED WITH DEVELOPMENT PLANS.

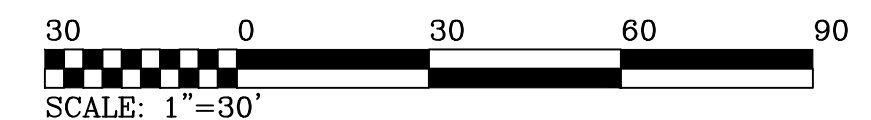
CASE# Z-21-0013

**FROTHY MOON BREWERY**  
**1826 JAMESTOWN ROAD**

## VIRGINIA



**DEVELOPER**  
CONNOR HALFPENNY



NO.	DATE	REVISION / COMMENT / NOTE
1	7/13/21	REVISED PER COMMENTS
2	7/16/21	REVISED PER COMMENTS
3	7/20/21	REVISED PER COMMENTS



**FROTHY MOON BREWERY**  
**1826 JAMESTOWN ROAD**

VIRGINIA

JAMES CITY COUNTY

Scale: 1"=20'

Date: 7/13/2021

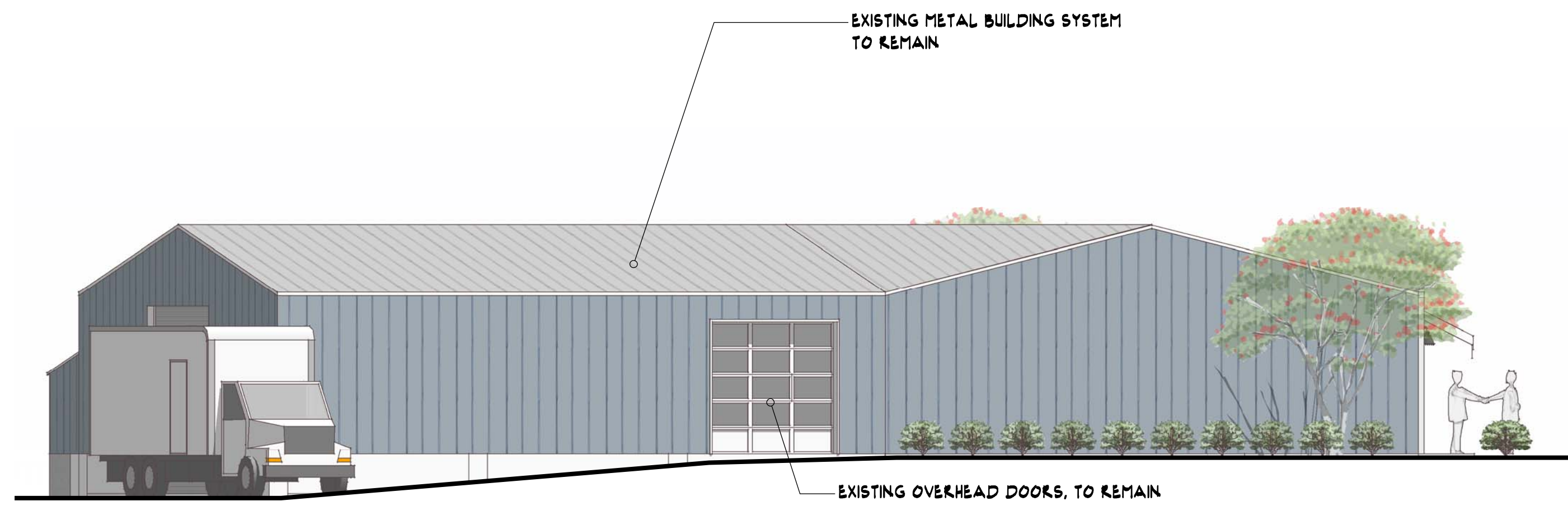
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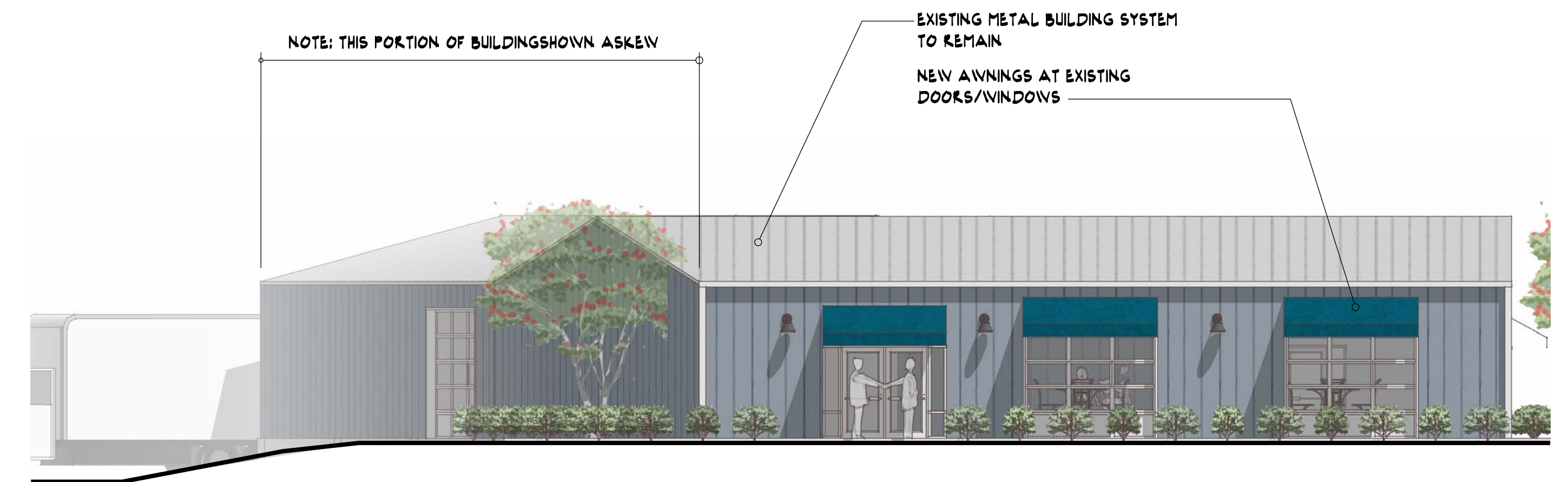
MASTER PLAN

Sheet Number:

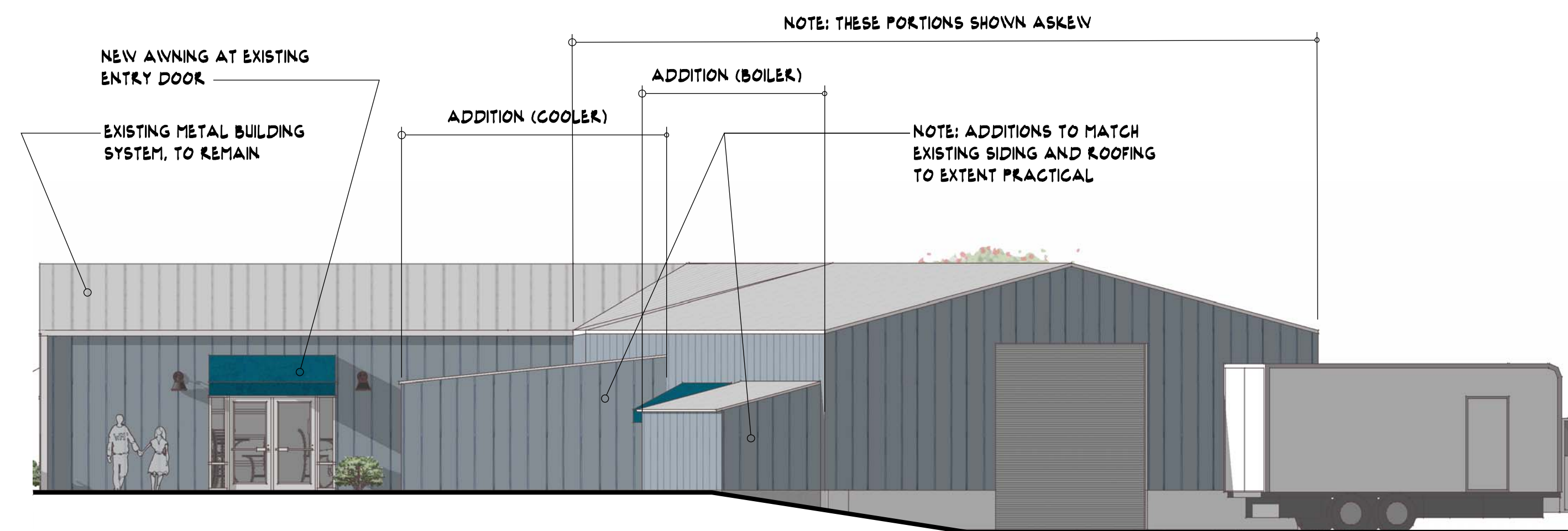
MP-01



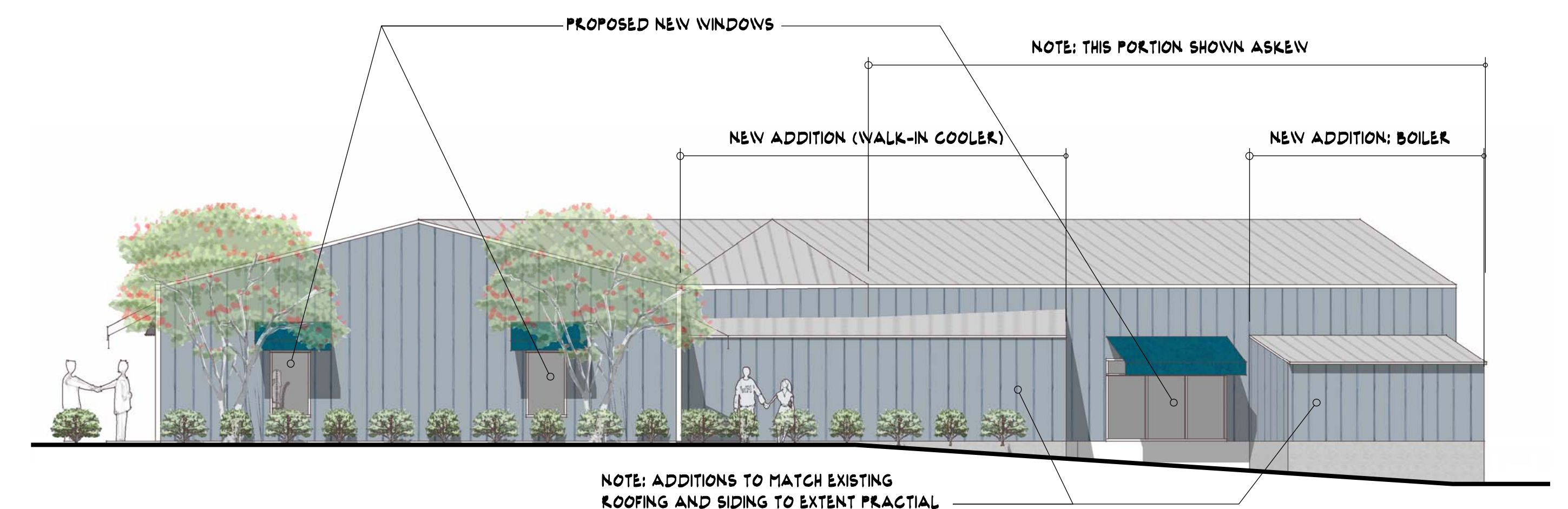
LEFT SIDE ELEVATION (SHOWN ASKEV)



FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

Prepared by:  
Vernon M. Geddy, III, Esquire (VSB #21902)  
Geddy Harris Franck & Hickman, L.L.P.  
1177 Jamestown Road  
Williamsburg, Virginia 23185

Tax Parcels: 4730100002 and 4730100003

This PROFFER AGREEMENT is made this ~~28th~~ day of July, 2021 by ALLMAR LLC, a Virginia limited liability company (together with its successors in title and assigns the "Owner") to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

### RECITALS

A. Owner is the owner of the real property and improvements thereon located at 1826 Jamestown Road and 259 Sandy Bay Road, James City County, Virginia, James City Tax Parcels 4730100003 and 4730100002, which is more particularly described on Exhibit A attached hereto (the "Property").

B. Tax Parcel 4730100003 is zoned B-1, General Business and Tax Parcel 4730100002 is zoned LB, Limited Business. Owner has applied for a rezoning of the Property to B-1, General Business, with proffers, and in connection therewith has submitted a Master Plan prepared by LandTech Resources, Inc. entitled "Master Plan Frothy Moon Brewery" and dated July 13, 2021 (the "Master Plan") and architectural elevations entitled "Conceptual Design for Frothy Moon Brewhouse" prepared by Hopke & Associates dated July 2, 2021 (the "Elevations").

C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the rezoning of the property as described in the application submitted under County file number Z-21-0013, and pursuant to Section 15.2-2303.4(D) of the Virginia Code, Section 24-16 of the County's Zoning Ordinance and County Ordinance No. 31A-346, Owner agrees to the following conditions and proffers as indicated in developing the Property.

### CONDITIONS

1. Master Plan. The Property shall be developed generally in accordance with the Master Plan determined as provided in Section 24-23(a)(2) of the Zoning Ordinance.

2. Boundary Line Extinguishment. Prior to final site plan approval, Owner shall record a boundary line extinguishment plat vacating the property line between Tax Parcels 4730100003 and 4730100002.

3. Community Character Corridor Buffer. There shall be a 50-foot average width community character corridor buffer along the Jamestown Road frontage of the Property in the locations shown on the Master Plan, subject to approval of the Virginia Department of Transportation ("VDOT"). All existing impervious surfaces within the buffer except those directly related to the entrances shown on the Master Plan shall be removed and be replaced with a combination of turf and landscaping in accordance with Chapter 24, Division 4 of the Zoning Ordinance. Owner shall be responsible for maintaining the landscaping within the buffer located in the buffer, including in the Jamestown Road right-of-way.

4. Food Truck Location. Food trucks shall be located on the site generally as shown on the Master Plan and in no event shall food trucks be located between any building/structure on the Property and Jamestown Road without the prior approval of the Planning Director.

5. Architecture. Final exterior plans for the brewery/taproom building, including color specifications for the building and color/material specifications and screening plan for the dumpster, shall be submitted to the Planning Director for his review for consistency with the Elevations. The Planning Director shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Approval of the final plans by the Planning Director is required prior to final site plan approval. The exterior of the brewery/taproom building shall be constructed in accordance with the approved plans.

6. Project Sign. The sign for the project shall be a monument-style sign with a maximum height of eight feet and with a style consistent with the building elevations. The sign shall be subject to review and approval by the Planning Director.

7. Outdoor Lighting. No light fixture located on the Property shall exceed fifteen feet in height. Any existing non-conforming fixtures shall be brought into compliance with this Condition and Article II, Division 7 of the Zoning Ordinance.

8. Water Conservation. The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on common areas in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final

subdivision or site plan approval.

9. Updated Turn Lane Warrant Analysis. If Owner desires to increase the size of the tasting room in the brewery building or the number of parking spaces provided over the size and number of spaces shown on the Master Plan, Owner shall submit an updated turn lane warrant analysis based on the increased size and/or number of parking spaces to the Planning Director and VDOT for their review and approval. If the approved analysis shows the need for turn lanes or other entrance improvements, Owner shall either (i) not undertake the expansion or (ii) install the required turn lane(s) or other entrance improvements. If improvements are required and Owner elects to proceed with the expansion, the required improvements shall be shown on the site plan for the new parking spaces and bonded prior to site plan approval in a manner deemed acceptable by the County Attorney's office and Planning Director.

10. Sandy Bay Road. There shall be no vehicular access to or from the Property and Sandy Bay Road.

11. Prohibited Uses. The following uses, otherwise permitted by right in the B-1 zoning district, shall not be permitted on the Property:

- Banks and other financial institutions
- Drug stores
- Firearms sales and service
- Grocery stores
- Heliports and helistops, as an accessory use
- Hotels and motels
- Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls
- Indoor sports facilities (excluding fire and shooting ranges)
- Indoor theaters
- Kennels and animal boarding facilities
- Limousine services (with maintenance limited to a fully enclosed building)
- Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet)
- Machinery sales and service (with storage and repair limited to a fully enclosed building)
- Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38
- Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution
- New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)
- Office supply stores
- Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)

Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments

Radio and television stations and accessory antenna or towers which are 60 feet or less in height

Research, development and design facilities or laboratories

Taxi service

Telephone exchanges and telephone switching stations

Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing)

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)

Vehicle rentals

Wholesale and warehousing (with storage limited to a fully enclosed building)

WITNESS the following signatures and seals:

ALLMAR LLC

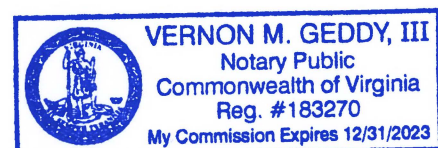
By: Laura L Kinsman  
Title:

STATE OF VIRGINIA  
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 28th day of July, 2021 by Laura L Kinsman, Manager of ALLMAR LLC, a Virginia limited liability company, on behalf of the company.

Vernon M. Geddy III  
NOTARY PUBLIC

My commission expires: 12/31/2023  
Registration No.: 183270



**EXHIBIT A  
PROPERTY DESCRIPTION**

**Parcel 1: 1826 Jamestown Road – Tax Parcel 4730100003**

All that certain parcel of land situate, lying and being in James City County, Virginia, and shown as "Parcel 1" and "Parcel 2" on that certain plat entitled, "A Survey of Parcels 1 and 2 for Conveyance to Colonial Properties, Inc., Jamestown and Berkeley Districts, James City County, Virginia", dated January 21, 1977, made by B. D. Littlepage, C.L.S., a copy of which is recorded in Plat Book 34, page 31, and upon which the outer perimeter of the two combined parcels is shown as follows:

Beginning at an iron pipe where the South-easterly right-of-way line of State Route 31, Parcel 1, herein and property now or formerly of Frank and Rosa L. Armistead converge; thence South 35° 36' 40" East 267.65 feet to an iron pipe; thence South 44° 22' 05" West 174.40 feet to an iron pipe; thence North 46° 20' 55" West 124.23 feet to an iron pipe; thence North 37° 12' 45" West 79.78 feet to an iron pipe; thence North 56° 06' 51" West 101.50 feet to an iron pipe on the Southeasterly right-of-way line of State Route 31; thence North 54° 08' 25" East 134.58 feet to an iron pipe; thence continuing the same course 97.45 feet to an iron pipe which marks the point of beginning.

**Parcel 2: 259 Sandy Bay Road – Tax Parcel 4730100002**

All that certain parcel of land situate in James City County, Virginia, containing 2.892 acres ± shown and designated on a certain plat entitled, "Lot Line Extinguishment Between 2 Parcels of Land Owned by C. Lewis Waltrip, II, Jamestown District, James City County, Virginia," dated February 12, 1990 and made by AES, a professional corporation, of Williamsburg, Virginia and recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City, Virginia, in Plat Book 52, page 11, to which plat reference is here made for a more particular description of the property herein.

# FROTHY MOON BREWHOUSE

## COMMUNITY IMPACT STATEMENT

June 23, 2021

## **Introduction**

Frothy Moon Brewhouse, LLC (“Frothy Moon”) is the contract purchaser of two adjacent parcels located at 1826 Jamestown Road and 259 Sandy Bay Road. These parcels were the former location of Cooke’s Greenhouse and Garden Center. Cooke’s went out of business in 2018 and the property has remained vacant and deteriorating since. Frothy Moon proposes to redevelop the property into a micro-brewery with taproom/coffee shop and outdoor seating area.

The parcel at 1826 Richmond Road is currently zoned B-1 and the parcel at 259 Sandy Bay Road is zoned LB. Both parcels are designated Neighborhood Commercial on the 2035 Comprehensive Plan. Small scale alcohol production is permitted by right in the B-1 district but not in the LB district. Additions to the building on 1826 Richmond Road will intrude into the LB zoning and the proper functioning of the outdoor seating area will require B-1 zoning. Frothy Moon is seeking to rezone both parcels to B-1, with proffered conditions.

## **Project Team**

Operator/Purchaser	Frothy Moon Brewhouse, LLC
Civil Engineering/Traffic	LandTech Resources, Inc.
Architect	Hopke and Associates
Zoning Counsel	Geddy, Harris, Franck & Hickman

## **Frothy Moon**

The Frothy Moon Brewhouse brings together owners and brewers with a proven wealth of knowledge, experience and success in the Craft Beer industry to this part of James City County. Hailing from a family with deep roots in the Anheuser Busch industry, Conor Halfpenny has been in the Virginia craft beer scene since 1998, getting his start in Hampton, Virginia. Over the last 23 years, he has helped to successfully open 10+ craft breweries in the Commonwealth and has accumulated a wealth of knowledge and experience having worked in every aspect of a brewery from build out to most recently, Chief Operating Officer.

With family ties to the craft beer industry in Colorado, Melissa Trainum has years of experience with a local craft brewery in social media, event planning and customer service.

James McGraw is a graduate of the Doemens Academy in Germany. He is the former head brewer of Shiplock Brewing in Richmond and the Colorado-based BierWerks Brewery.

The Frothy Moon Brewhouse will be a place where you can start your day, spend your day, or finish it. Be it with a warm cup of coffee roasted by Aroma's in the morning, food served up from local trucks throughout the day, or a fresh, frothy beer to close out your evening. Frothy Moon will have something for everyone.

### **Existing Conditions**

The existing property is approximately 3.4 acres in gross size with the majority of the eastern portion being developed into what was a landscaping material sales business. Approximately 1.4 acres of the western portion of the property is located within a 100' resource protection area buffer, with approximately 1.25 acres of that buffer being vegetated and the rest made up of areas of old patio pavers and building foundations. The remainder of the property is mostly made of all impervious areas consisting of the existing building, old building foundations, gravel, and patio pavers. There are currently three entrances from Jamestown Road into the property.



### **Project Description**

The existing 5000 square foot building located at 1826 Jamestown Rd, will serve two purposes. The first will be approximately 2,200 square feet of manufacturing space. The manufacturing space will be used to produce craft beer using a state-of-the art brewing system. This will allow Frothy Moon to be considered a “Microbrewery Operation”, producing beers for onsite sales and consumption. Frothy Moon expects to produce approximately 750 barrels of beer during its first year of operation. The second purpose will also be approximately 2,200 square feet, but will be used as a taproom/coffee house/retail space. The remaining space within the current building will be used as bathrooms and storage. Frothy Moon plans to add roughly 500 to 750 square feet of commercial cooler space on the right side of the building (as detailed on the Master Plan), necessary for proper product storage. An additional 140 square foot boiler room will be added to the back portion of the building (as detailed on the Master Plan). This will house the boiler, air compressor, and glycol compressor. Both additions will match the current exterior of the building. There will be an asphalt driveway for tractor trailer and forklift traffic to connect the lower level and upper level garage doors on the back and left side of the building. Lastly, a total of four awnings will be placed above customer entry/exit points.

The existing patio and roof structure located on the property at 259 Sandy Bay Road will serve as the outdoor seating area. Frothy Moon will add a children’s playset to the property, closer to the Sandy Bay Road side. The existing concrete/asphalt pad on the Jamestown Road side of the 259 Sandy Bay Road, property will be repurposed as a parking lot for the business. The other existing concrete pad on that parcel will be used for food truck parking. Frothy Moon does not plan initially to have a bar with taps and point of sale service in the outdoor seating area but would like the option of installing one in the future.

#### **Water & Sewer:**

The proposed brewery location will be served by existing JCSA water and sewer systems located within the existing Jamestown Road right-of-way. The existing facility is currently served by a 5/8” domestic water meter, which will need to be upgraded to a 1” meter in order to serve the required water usage for the brewery equipment. An existing fire hydrant is located approximately 300’ east of the project site along the southern right-of-way line of Jamestown Road. Depending on the build out of the proposed structure an additional fire hydrant may be required to be installed directly in front of the building to provide adequate fire protection.

#### **Stormwater Management:**

The existing property is approximately 3.4 acres in gross size with the majority of the eastern portion being developed into what was a landscaping material sales business. Approximately 1.4 acres of the western portion of the property is located within a 100’ resource protection area buffer, with approximately 1.25 acres of that buffer being vegetated and the rest made up of areas of old patio pavers and building foundations. The remainder of the property is mostly made of all impervious areas consisting of the existing building, old building foundations, gravel, and patio pavers.

The re-development of the property will call for approximately 1.4 acres of total land disturbance both on the subject property as well as within the adjacent VDOT right-of-way. The

area to be disturbed is almost totally made up of existing impervious areas totaling 1.3 acres. Within the project area a total of 0.4 acres of existing impervious cover will be removed from the site and replaced with landscaped areas and turf grasses. Existing impervious areas of the site will remain where needed for parking and vehicular circulation only, all other areas will be converted to turf and/or landscaped areas. The large existing patio paver area will remain. Preliminary stormwater calculations are attached hereto as Appendix A to show that the removal of existing impervious surfaces will suffice in meeting the stormwater quality and quantity requirements for the proposed project area. Additional improvements may be warranted after a complete survey of the site is prepared during the design phase of the project.

### **Traffic Analysis**

LandTech Resources has performed a traffic analysis for the project attached hereto as Exhibit B which concludes that no traffic improvements are necessary to serve the project. The existing site currently has three (3) large commercial entrances installed along Jamestown Road. The proposed re-development of the parcel will call for the complete removal of the entrance located the furthest to the west. The middle entrance will remain to serve the proposed parking lot that will be constructed adjacent to the proposed tasting room. The entrance located to the east will remain as an entrance to be utilized only by delivery vehicles to access the existing warehouse overhead door located along the eastern side of the building as well as by emergency vehicles. This entrance will be signed as required by VDOT so as not to be used by general daily traffic into and out of the project site.

### **Parking**

Under Section 24-59 of the Zoning Ordinance, this project will require 60 parking spaces. Twenty-three of those spaces are provided on site as shown on the Master Plan. Frothy Moon will enter into a shared parking arrangement with the owner of the adjacent parcel located at 1820 Jamestown Road, Tax Parcel 4730100005 to utilize twenty-one spaces on the adjacent parcel in accordance with the requirements of Section 24-59(e) of the Zoning Ordinance. The Applicant will be submitting a parking waiver request to permit the use of forty-four spaces for this project with the development plan submittal.

### **Community Character Corridor Buffer**

There will be a community character corridor buffer along Jamestown Road with an average width of 50 feet. With the approval of VDOT, a portion of the buffer shall be located in the existing VDOT right-of-way for Jamestown Road as shown on the Master Plan. All impervious surfaces within the buffer shall be removed and the area converted to a landscaped area.



LANDTECH RESOURCES, INC.

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# **Traffic Analysis**

**For**

## **Frothy Moon Brewery**

**James City County, Virginia**

**Preparation Date:**

**June 22, 2021**

**July 16, 2021**

**Revision Date(s):**

**LRI Project No. 21-203**

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**ENGINEERING • SURVEYING • GPS**

205-E Bulifants Blvd, Williamsburg, VA 23188

Ph.: (757) 565-1677 Fax: (757) 565-0782

Web: [landtechresources.com](http://landtechresources.com)

## Traffic Turn Lane Warrants:

The proposed development on the property located at 259 Sandy Bay Road & 1826 Jamestown Road calls for the re-development of an existing warehouse building into a new micro-brewery with an approximately 2,200 square foot tasting room. Calculations for the traffic impacts generated by this site were determined based on the size of the proposed tasting room associated with the brewery based on the ITE trip generation for a similar use. As a micro-brewery is not listed within the current ITE trip generation tables the ITE values for a winery were used. The daily operations of a winery are extremely like that of a micro-brewery that also contains a tasting room and from time to time would be expected to host small events. Below is a summary of the anticipated traffic volumes for the proposed development based on ITE Code 970:

<b>Traffic Analysis: Turn Lane Warrants</b>									
<b>Project:</b> Frothy Moon Brewery									
<b>ITE Code:</b> 970 Winery (2,200 SF Tasting Room)									
Traffic Scenario	# of Trips	% Enter	Enter	% Exit	Exit	% Right	Right Turns	% Left	Left Turns
Average Day	92	50%	46.00	50%	46.00	40%	18	60%	28
AM Peak Hour	8	57%	4.56	43%	3.44	40%	2	60%	3
PM Peak Hour	13	56%	7.28	44%	5.72	40%	3	60%	4
Friday Average	161	50%	80.50	50%	80.50	40%	32	60%	48
Friday AM Peak Hour	16	71%	11.36	29%	4.64	40%	5	60%	7
Friday PM Peak Hour	27	54%	14.58	46%	12.42	40%	6	60%	9
Saturday Average	407	50%	203.50	50%	203.50	40%	81	60%	122
Saturday Peak Hour	73	47%	34.31	53%	38.69	40%	14	60%	21
Sunday Average	410	50%	205.00	50%	205.00	40%	82	60%	123
Sunday Peak Hour	75	48%	36.00	52%	39.00	40%	14	60%	22

State Route 31 - Jamestown Road	7200
Directional Factor, D	0.582
Peak Hour Factor, K	0.102
Peak Hour Volume, PHV	427
Advancing Volume	427
Opposing Volume	307
Total Peak Hour Trips Making Right Turn Into Site	14
Total Peak Hour Trips Making Left Turn Into Site	22

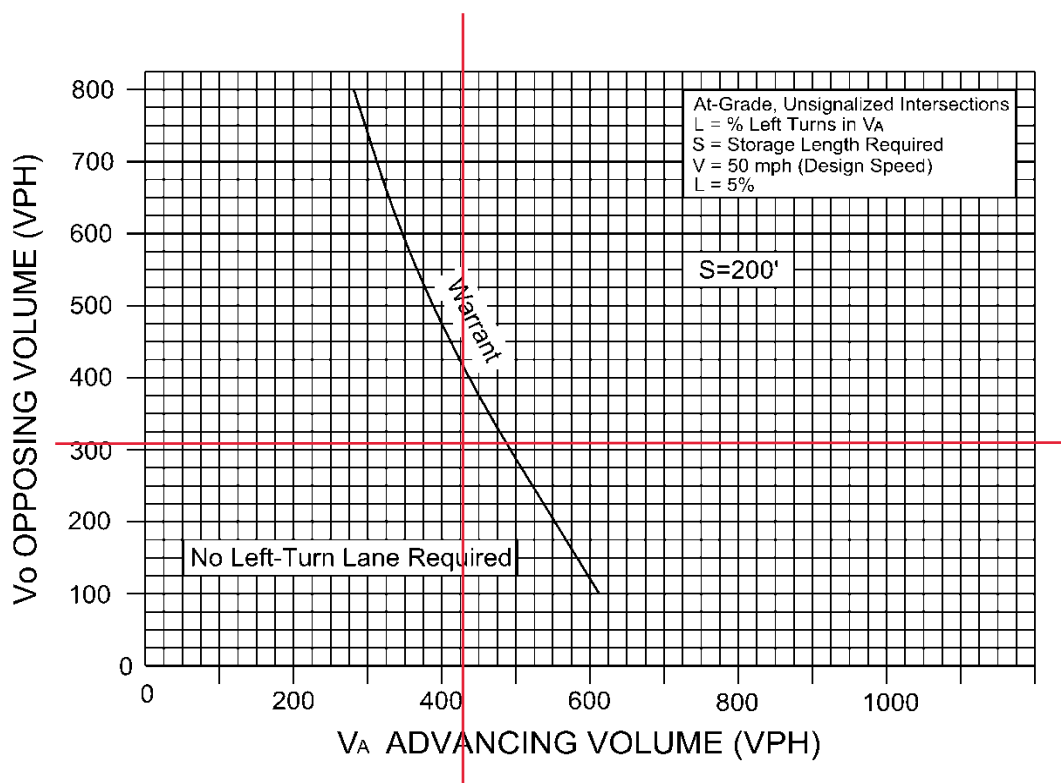
Of the ITE values reported for percentage of trips entering and exiting the site a value of 60% was assumed to be making a left-hand turn into the site and the remaining 40% assumed to be making a right-hand turn into the site. On the following pages you will find copies of the Turn Lane Warrant charts from the Virginia Department of Transportation Road Design Manual Appendix F. Based on the anticipated traffic for the proposed parcel as well as the traffic counts within the adjacent Jamestown Road right-of-way this project does **NOT** warrant the installation of a left-hand turn lane, nor a right-hand turn lane or tapers.

The existing site currently has three (3) large commercial entrances installed along Jamestown Road. The proposed re-development of the parcel will call for the complete removal of the entrance located the furthest to the west. The middle entrance will remain to serve the proposed parking lot that will be constructed adjacent to the proposed tasting room. The entrance located to the east will remain as an entrance to be utilized only by delivery vehicles to access the existing warehouse overhead door located along the eastern side of the building as well as by emergency vehicles. This entrance will be signed and gated as required by VDOT so as not to be used by general daily traffic into and out of the project site.

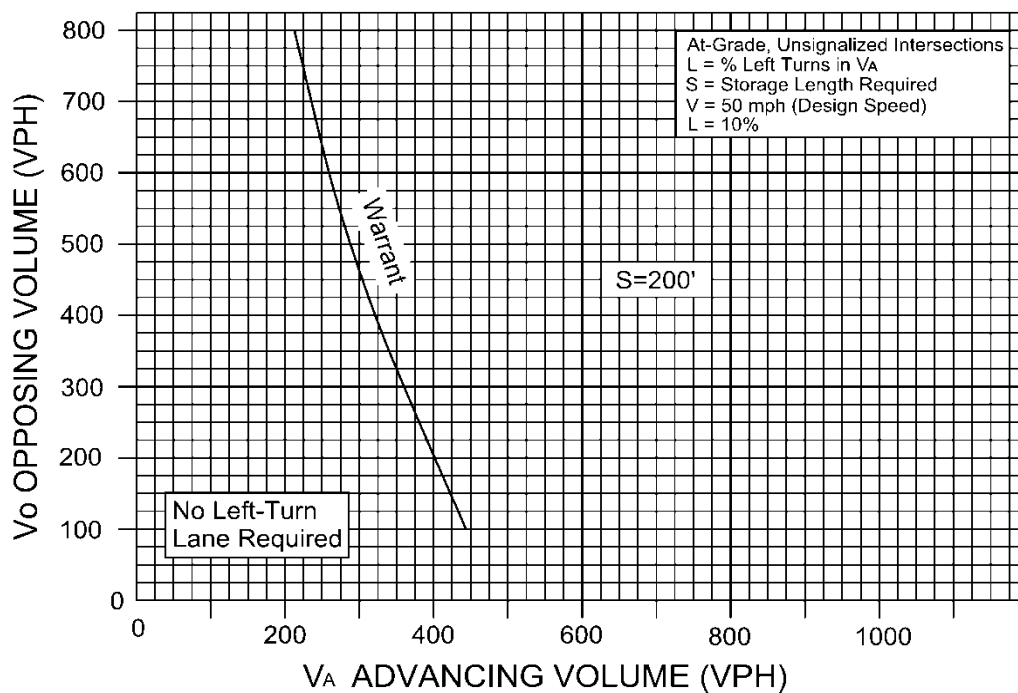
To account for all available usable space within the proposed project area an analysis was also considered that assumes a trip generation value for the amount of parking spaces proposed. The project proposes 44 total parking spaces between the subject property as well as the adjacent property that will be utilized through a shared parking agreement. A typical patron will visit the establishment for over an hour on average. Assuming that each hour all 44 parking spaces turn-over, with patrons leaving and new patrons arriving, the total peak hour trip generation for vehicles entering the property would be 44. Assuming the same 60% distribution for vehicles entering making left hand turn, 26 left hand turns per hour would also not require the construction turn lanes or tapers.

Virginia Department of Transportation  
Traffic Engineering Division  
2019  
Annual Average Daily Traffic Volume Estimates By Section of Route  
James City Maintenance Area

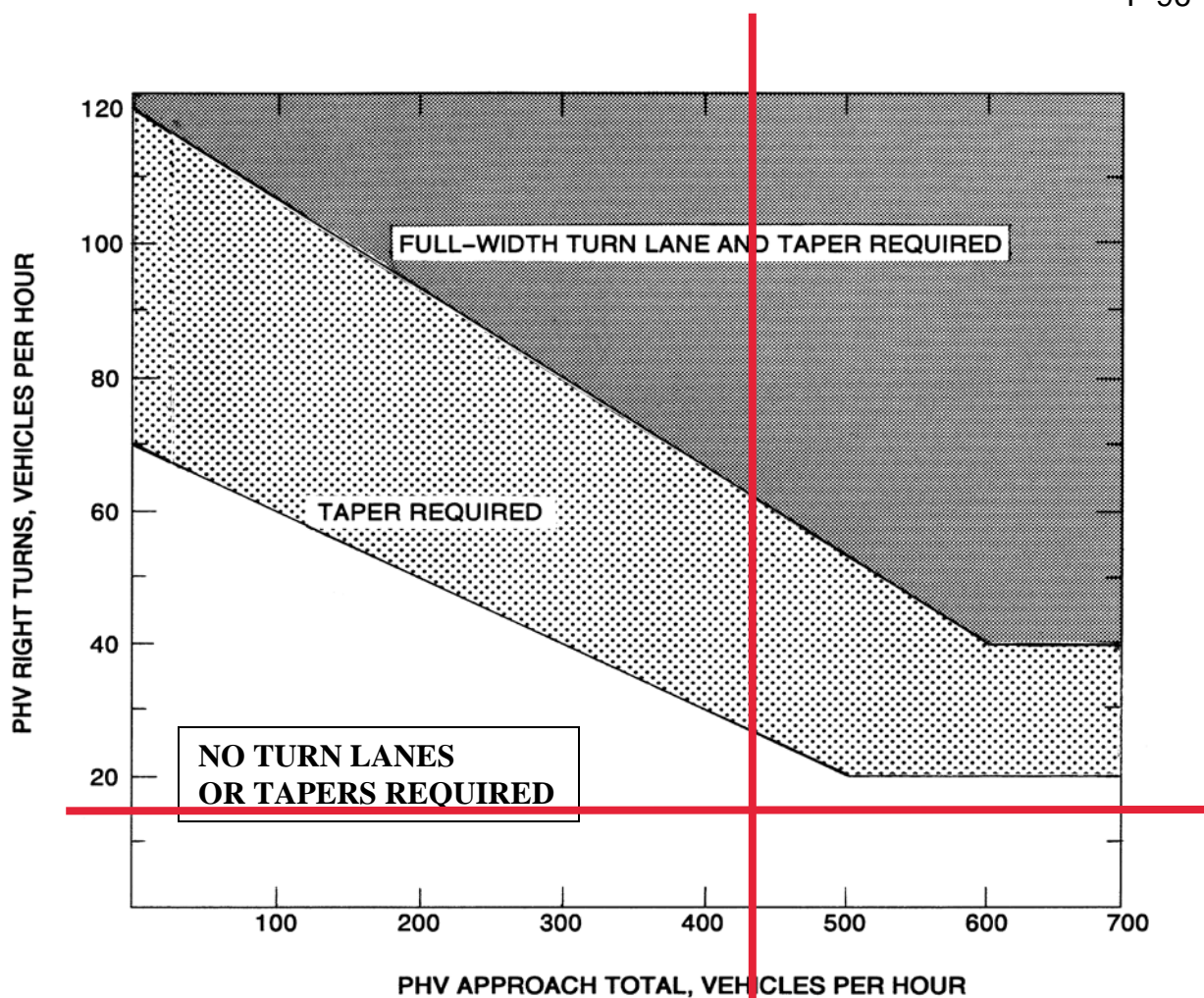
Route	Jurisdiction	Length	AADT	QA	4Tire	Bus	-----Truck-----				QC	K Factor	QK	Dir Factor	AAWDT	QW
							2Axle	3+Axle	1Trail	2Trail						
From: New Kent County Line																
(30) Old Stage Hwy	James City County	2.13	12000	F	90%	1%	2%	3%	5%	0%	F	0.097	F	0.703	12000	F
To: I-64																
(30) Barhamsville Rd	James City County	1.71	10000	F	95%	1%	1%	1%	2%	0%	C	0.103	F	0.606	11000	F
To: US 60 Richmond Rd																
(30) Rochambeau Dr	James City County	2.95	9400	F	97%	1%	1%	0%	0%	0%	C	0.099	F	0.63	10000	F
To: 47-607 Croaker Rd; 47-755 Rochambeau Dr																
From: 47-755 Rochambeau Dr; 47-607																
(30) Croaker Rd	James City County	0.46	15000	F	97%	1%	1%	0%	0%	0%	F	0.099	F	0.63	14000	F
To: I-64																
From: SR 30 Old Stage Hwy																
(30) Ramp	James City County	0.19	1500	A								0.129	A		1600	A
To: I-64 West																
From: SR 30 TO I-64 EAST																
East (30) Ramp	James City County	0.26	4100	G								0.137	F		4100	G
To: I-64-E FROM RT 30 EAST																
From: SR 30 I-64-E231A FROM & TO IS 64																
East (30) Ramp	James City County	0.28	4500	G								0.127	F		4500	G
To: I-64-E FROM RT 30 EAST & 607 SOUTH																
From: SR 30 TO I-64 WEST																
East (30) Ramp	James City County	0.23	820	G								0.086	F		820	G
To: I-64-W FROM RT 30 EAST & 607 SOUTH																
From: SR 30 TO I-64 EAST																
West (30) Ramp	James City County	0.26	1500	G								0.109	F		1500	G
To: I-64-E FROM RT 30 WEST																
From: SR 30 TO I-64 EAST																
West (30) Ramp	James City County	0.22	1200	G								0.122	F		1200	G
To: I-64-E FROM RT 30 WEST & 607 SOUTH																
From: SR 30; 47-607 I-64-W231B FRO																
West (30) Ramp	James City County	0.31	540	G								0.123	F		540	G
To: I-64-W FROM RT 30 WEST & RT 607 SOUTH																
From: Jamestown Ferry																
(31) Jamestown Rd	James City County	2.10	7200	F	98%	1%	1%	0%	0%	0%	F	0.102	F	0.582	7600	F
To: 47-681 Sandy Bay Rd																
(31) Jamestown Rd	James City County	2.30	9000	F	98%	1%	1%	0%	0%	0%	C	0.095	F	0.602	9500	F
To: WCL Williamsburg																
(31) Jamestown Rd	City of Williamsburg	0.04	15000	F	98%	1%	1%	0%	0%	0%	F	0.087	F	0.579	16000	F
To: State Maintenance Boundary																
(31) Jamestown Rd	City of Williamsburg (Maint: 47)	0.02	15000	F	98%	1%	1%	0%	0%	0%	F	0.087	F	0.579	16000	F
To: SR 5; SR 199																



**FIGURE 3-10 WARRANT FOR LEFT TURN STORAGE LANES ON TWO LANE HIGHWAY**



**FIGURE 3-11 WARRANT FOR LEFT TURN STORAGE LANES ON TWO LANE HIGHWAY**



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

### LEGEND

**PHV** - Peak Hour Volume (also Design Hourly Volume equivalent)

### Adjustment for Right Turns

For posted speeds at or under 45 mph, PHV right turns > 40, and PHV total < 300.

Adjusted right turns = PHV Right Turns - 20

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.\*

**FIGURE 3-26 WARRANTS FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)**

**ITEM SUMMARY**

DATE: 8/4/2021

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - August 2021

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Cases Received	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/28/2021 - 12:43 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 12:43 PM
Publication Management	Daniel, Martha	Approved	7/28/2021 - 1:46 PM
Planning Commission	Holt, Paul	Approved	7/28/2021 - 2:01 PM

## PLANNING DIRECTOR'S REPORT

### August 2021

This report summarizes the status of selected Department of Community Development activities during the past month.

- **Planning**

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached document.

- **Board Action Results:**

- **July 13, 2021**

- SUP-21-0004. 1303 Jamestown Road, Unit 117, Williamsburg Wood Works at Colony Square (Approved 5-0)
- Consideration of the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan (Continued to September 14)

- **Community Development**

#### **Habitat for Humanity Peninsula and Greater Williamsburg to print its first 3D home East of the Mississippi.**

Habitat for Humanity Peninsula and Greater Williamsburg gathered in the Forest Heights neighborhood on Monday, July 12, 2021 to celebrate a ground breaking for a new 1,200 square foot, three-bedroom home. However, this one is a little different, the signs present read, “Live Life in 3D.” This Habitat chapter has long history of partnering with James City County to provide affordable housing

to County workers and residents. For this project they’ve added a partnership with the Virginia Center of Housing Research (VCHR) at Virginia Tech, and Alquist 3D, a new startup that constructs walls using a 3D printer.



In this application, 3D printing uses a special formulation of concrete and an “extruder head”, suspended on a gantry crane, and is capable of moving in three axes. Just like a

desktop 3D printer, this machine can print almost any object you upload to it from a computer, in this case house plans.

The goal of 3D printed structures is to provide less expensive wall systems that are more energy efficient and stronger than typical wood framed walls. The collaboration between VCHR, Alquist and Habitat is a win-win. James City County shares the benefits by having another safe, decent and affordable home for its workers and residents.

Spreadsheet Listing New Cases Received for August						
Plan Type	Plan Number	Case Title	Main Address	Description	Assigned To	District
Conceptual Plan	C-21-0060	108 Ingram Rd. AT&T Antenna Replacement	108 INGRAM RD 4710100007	AT&T proposed to remove existing antenna from a telecom tower and install new antennas in the same location. No ground work is proposed.	Risinger, John	Jamestown
Conceptual Plan	C-21-0061	104 Peyton Rd. BLA	104 PEYTON RD	Proposed property line adjustment to accommodate a fence.	Haynes, Tori	Roberts
Conceptual Plan	C-21-0063	5625 Riverview Rd. Blackthorn Subdivision BLE	5625 RIVERVIEW RD	Remerge these five properties into one. All are currently in the Blackthorn subdivision, but are only used for greenspace.	Leininger, Thomas	Stonehouse
Conceptual Plan	C-21-0065	111, 111A, 113A & 121 Howard Dr. Subdivision	111 HOWARD DR	Applicant asking if lots are buildable given easements/power lines. Also proposing to combine 111 and 113A Howard Drive (BLE), subdivide 111A Howard Drive into two 0.285 acre lots, and subdivide 121 Howard Drive into three lots (one 0.5 and two 0.25 acre lots).	Wysong, Thomas	Roberts
Conceptual Plan	C-21-0066	5019 Fenton Mill Rd. Tourist Home	5019 FENTON MILL RD	Tourist Home renting up to 5 bedrooms	Costello, Terry	Stonehouse
Conceptual Plan	C-21-0069	Kingsmill Guard Gate	120 MOUNTS BAY RD	Conceptual Plan for Kingsmill Guard Gate	Ribeiro, Jose	Roberts
Master Plan	MP-21-0003	Ford's Colony Master Plan Amendment (Ford's Village)	3889 NEWS RD	Amendment to 2008 approved rezoning application to update master plan and proffers	Wysong, Thomas	Jamestown
Subdivision Plat	S-21-0043	5420 Riverview Rd. 2 lot	5420 RIVERVIEW RD	Subdivision Plat of Parcel 1-A, Benjamin W. Fenton, Jr. Subdivision	Leininger, Thomas	Stonehouse
Subdivision Plat	S-21-0045	Stonehouse A, B & C ROW BLA	9205 SIX MOUNT ZION RD	Boundary Line Adjustment	Wysong, Thomas	Stonehouse
Subdivision Plat	S-21-0046	The Promenade at John Tyler Phase 1 - Courthouse Plat	99 PROMENADE LN	Courthouse Plat	Ribeiro, Jose	Berkeley
Subdivision Plat	S-21-0047	2312 and 2190 Bush Neck Rd. BLA	2312 BUSH NECK RD	Boundary line adjustment between 2312 and 2190 Bush Neck Rd.	Haynes, Tori	Powhatan
Subdivision Plat	S-21-0048	The Promenade at John Tyler Phase 41 - Courthouse Plat	5304 JOHN TYLER HWY	Courthouse Plat	Ribeiro, Jose	Berkeley
Subdivision Plat	S-21-0050	2511 & 2611 Forge Road BLA Between Parcel 6 and Equestrian	2611 FORGE RD	Boundary Adjustment Lot 6 Willow Pond Estates Phase II	Ribeiro, Jose	Stonehouse
Subdivision Plat	S-21-0051	The Promenade at John Tyler Phase 40 - Courthouse Plat	5304 JOHN TYLER HWY	Courthouse Plat	Ribeiro, Jose	Berkeley
Subdivision Plat	S-21-0053	3023 & 3054 Jolly Pond Rd. BLA	3054 JOLLY POND RD	Boundary Line Adjustment between Parcel 3030100018 and Parcel 3030100013	Costello, Terry	Powhatan
Subdivision Plat	S-21-0054	Parcel 7 Norge Center Condo - Courthouse Plat	115 NORGE LN 2320100071F	Courthouse Plat	Ribeiro, Jose	Stonehouse
Site Plan	SP-21-0065	341 Farmville Lane Norge Solar	341 FARMVILLE LN	Site Plan for Norge Solar Farm	Leininger, Thomas	Stonehouse
Site Plan	SP-21-0066	Williamsburg Montessori School Expansion	4210 LONGHILL RD	Amendment to SP-0077-1996.	Costello, Terry	Powhatan
Site Plan	SP-21-0068	Brickyard Landing Community Pier	990 BRICKYARD RD	Installation of a 5' x 70' open-pile timber community pier	Ribeiro, Jose	Powhatan